

TRANSCRIPT October 16, 2007

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Marilyn Praisner, President Councilmember Michael Knapp, Vice President

Councilmember Phil Andrews
Councilmember Marc Elrich
Councilmember Nancy Floreen

Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal

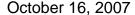
Councilmember Duchy Trachtenberg



- Council President Praisner, 1
- 2 Okay, ladies and gentlemen, and welcome to the October 16th meeting of the
- Montgomery County Council. If we could please rise for a moment of silence. [Moment 3
- of silence observed] Thank you. We have actually two proclamations this morning. The 4
- 5 Human Resource Department has asked us to do one, and the community has asked
- for one. So let's start with the Disability Mentoring Day, and I ask Yasmin Reyazuddin to 6
- 7 join me, please. Yasmin? Thank you so much for being here. WHEREAS, Montgomery
- 8 County Government recognizes that people with disabilities provide valuable
- 9 contributions to our society by actively participating in the Montgomery County
- 10 workforce as residents, consumers, employees, employers, and effective leaders; and
- 11 WHEREAS, employers benefit from mentoring people with disabilities as a way of
- 12 understanding individuals with disabilities, developing lasting relationships with leaders
- 13 in the disability community, and recruiting new and emerging talent for meaningful
- 14 internships and potential employment opportunities; and WHEREAS, since the
- 15 Americans with Disabilities Act was passed in 1990, more than one million people with
- disabilities have successfully entered the labor force; and WHEREAS, students and job 16
- 17 seekers with disabilities should have equal opportunity to maximize their potential by
- 18 fully utilizing their knowledge, skills, and abilities in an environment free of systemic
- 19 physical and attitudinal barriers in order to enjoy economic independence and self-
- 20 sufficiency through profitable employment opportunities; and WHEREAS, Disability
- Mentoring Day provides an opportunity for students and job seekers with disabilities to 21
- pursue career and mentoring opportunities by spending a day with a County employee 22
- 23 as he or she partners with the County and workforce; NOW, THEREFORE, do we, Isiah
- Leggett as County Executive, and Marilyn Praisner as County Council President, hereby 24
- 25 proclaim tomorrow, WEDNESDAY, OCTOBER 17TH, 2007, AS DISABILITY
- MENTORING DAY IN MONTGOMERY COUNTY. We encourage our residents to join 26
- 27 us in recognizing the importance of this work in the lives of people with disabilities. And
- 28 it's signed by the County Executive and myself. Yasmin, I'm going to let you hold the
- 29 proclamation as well while they take some pictures of us. [Photo session] And if you
- 30 wanted to say something about Disability Day, please go right ahead.

- Yasmin Reyazuddin,
- 33 Okay. Thank you once again for the County Council to recognize Disability Mentoring
- Day as one part of our program, part of our work. People with disabilities without jobs 34
- 35 are like birds without wings, and we do not wish to do that. So I hope that County
- 36 employees and other employers within the County will help acknowledge and help with
- Disability Mentoring Day. And we hope that the County will continue to support this 37
- 38 program, and many other programs such as this, so we can have more meaningful
- 39 employment for people with disabilities within the County. Thank you very much.

- 41 Council President Praisner,
- 42 Thank you. [Applause] Do you want to stay up here while I do White Cane Day?



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1 2 Yasmin Reyazuddin, 3 No. 4 5 Council President Praisner, 6 No? Okay. 7 8 Yasmin Reyazuddin, 9 You have two other people. 10 Council President Praisner. 11 12 Alrightee. Thank you. Linda will help you. Would Colleen Day and Tom Bickford join me up here for our White Cane Safety Day? It's that time again this year. Tom, thank you. 13 And Colleen, thank you. WHEREAS, October 15th, 2007, the National Federal of the 14 15 Blind observed national White Cane Safety Day; and WHEREAS, the purpose of White Cane Safety Day is to raise public awareness of the white cane as a symbol of 16 independence and freedom for blind people and to promote public awareness of the 17 18 blind as equal and productive citizens; and WHEREAS, during this time the public is 19 reminded that persons carrying a white cane or using a guide dog are legally blind and 20 have equal rights under the law to housing, lodging, amusement, and public 21 transportation; and WHEREAS, motorists should remember that the law requires drivers 22 to exercise particular care when approaching persons who are blind; and WHEREAS, it 23 is also appropriate at this time to remind employers that when blind persons receive 24 proper instruction and genuine opportunity, they can compete on equal terms with sighted persons and are, in fact, employed within the broad spectrum of labor and the 25 professions. NOW, THEREFORE, BE IT RESOLVED that the Montgomery County 26 Council hereby proclaims the WEEK OF OCTOBER 15TH TO 19TH, 2007, AS WHITE 27 28 CANE SAFETY DAY AND WEEK IN MONTGOMERY COUNTY and commends the 29 efforts of the National Federation of the Blind in this, its 66th year. Presented on the 30 16th day of October in the year 2007. And it's signed by me as Council President. 31 32 Tom Bickford, 33 Thank you very much. 34 35 Council President Praisner, Tom, thank you very much. I think they want to take some pictures. 36 37 38 Tom Bickford. 39 Which is the way up? Here? 40 41 Council President Praisner,

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We've got it. Yep. Got it fine. [Photo Session] Okay. Would you like to say something?



1 Tom Bickford. 2 Just a few words. 3 4 Council President Praisner, 5 Sure, go ahead. The mic is fine. 6 7 8 Tom Bickford, 9 I gave a twenty-minute speech last night. 10 Council President Praisner, 11 12 Oh, okay. 13 14 Tom Bickford, 15 I'll cut it back. 16 Council President Praisner, 17 18 Thank you. 19 20 Tom Bickford, 21 The National Federation of the Blind has been one of the major forces in my life. It told 22 me what to do; how to do it; that I should do it; and then gave me a swift guick in the 23 seat of the pants and said, "Now go do it!" And I have. I've been a member for fifty-one 24 years, and it has given me my life. We appreciate the proclamation from the County Council. Thank you very much. 25 26 27 Council President Praisner, 28 Thank you. Thank you very much. Good to see you again. Congratulations. [Applause] 29 Oops! Do you have something you wanted to give us, Colleen? 30 31 Colleen Day, 32 Yes, I do. I have some information I would like to pass out. 33 34 Council President Praisner. 35 Okay. I'll take them for you, and we'll pass them out. 36 37 Colleen Day, 38 All right. Thank you. 39 40 Council President Praisner, Thank you so much. Thank you both for joining us today. [Applause] Announcements, 41 Ms. Lauer, of calendar changes or agenda changes? 42 43



1 Linda Lauer.

2 Yes, We just have one calendar change. The joint Public Safety/HHS Committee

3 planned for Thursday has been canceled. Those items will be taken up on November

1st. Thank you.

4 5

6 Council President Praisner,

- 7 Okay. And there are no petitions this week, as I understand it. I just want to announce
- 8 before the Council gets into its business that Council Vice President Knapp is at a
- 9 meeting in Frederick County and will be joining us this afternoon. And if he doesn't get
- back in time for the presentation on the Working Group, he wanted to extend to the
- 11 members his appreciation and also his apologies for the conflict. Consent Calendar -- is
- there a motion?

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- 14 Councilmember Trachtenberg,
- 15 So moved.

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- 17 Council President Praisner,
- 18 Councilmember Trachtenbeg. Is there a second? Councilmember Ervin.
- 19 Councilmember Andrews?

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- 21 Councilmember Andrews.
- 22 Thank you, Madame President. I just wanted to note Item (3)B is an appropriation from
- 23 a State Grant -- the Senator Amoss Fire, Rescue, and Ambulance Fund Grant -- that is
- 24 an annual grant that goes to help support our local volunteer fire and rescue
- departments and helps maintain the facilities. It's a total of \$1.4 million, and the
- amounts range from \$44,000 to \$120,000 per station; they're broken out in the back.
- 27 These are very important funds to help keep our local departments up to the standard
- where they need to be so that we can continue to use them and have them serve the
- 29 public. So I wanted to acknowledge the importance of this State Grant.

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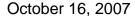
- 31 Council President Praisner,
- Okay, I see no other lights; so all in favor of approval of the Consent Calendar, please
- indicate by raising your hand. [Show of hands] Councilmember Floreen in the back of
- the room it's unanimous among those present. Vice President Knapp temporarily
- absent. We will now move to Item (4), which is action on the confirmation of County
- 36 Executive appointees to the Washington Suburban Sanitary Commission. We have two
- appointees which the Council interviewed yesterday: Mr. Gene Counihan and Ms.
- 38 Adrienne Mandel, Councilmember Floreen.

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- 40 Councilmember Floreen,
- Thank you, Madame President. I am so delighted to move -- can I do both of them?

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43 Council President Praisner,





Yes.
Councilmember Floreen,
At once?
Council President Praisner,
Yeah.

Councilmember Floreen.

I'm so delighted that we have such extraordinary candidates to serve on the WSSC and to represent Montgomery County's interests there. Both Gene Counihan and Adrienne Mandel know this world inside out; bring with them a tremendous legislative appreciation, a tremendous appreciation for interagency politics and policies, and wonderful interpersonal skills -- all of which are the critical tools, I think, in making for successful decision making over at the WSSC. So I'm very pleased to support and, I quess, move Gene Counihan and Adrienne Mandel to be our new commissioners.

Councilmember Leventhal,

19 Second.

Council President Praisner.

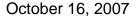
Okay, we have the appointments of Gene Counihan and Adrienne Mandel to Washington Suburban Sanitary Commission -- the motion made by Councilmember Floreen and seconded by Councilmember Leventhal. I just want to add my personal dittos to the comments made by Councilmember Floreen. We are very fortunate to have two individuals who are willing to continue to serve the County in other ways, including now the Commission. They are well prepared to hit the ground running, so to speak, with the meeting that is scheduled for tomorrow. And I believe that Ms. Mandel will be serving as Chair in that capacity at that point. So all in favor of the appointment of Gene Counihan and Adrienne Mandel to the Suburban Sanitary Commission? [Show of hands] That is unanimous among those present. Thank you all very much. We will now move -- we're a little ahead of schedule, but I think we can do so without any problems since most of the members of the Working Group on Infrastructure Financing are with us. With that in mind, I'm going to invite the members -- oh.

Linda Lauer,

We have one more small item on District Council Session.

39 Council President Praisner,

- 40 Oh, I'm sorry. I just skipped right over it. District Council Session -- we need a motion to
- extend the time for Issuance of the Hearing Examiner's Report and Recommendations
- on Local Map Amendments G-851 and G-861. I skipped right over it. Councilmember
- 43 Berliner has moved approval of the Resolution. Is there a second? Councilmember



Dale Susan Rosenthal,



1 Ervin. All in favor of approval of the Resolution? That is unanimous among those 2 present, both Councilmembers Leventhal and Vice President Knapp being temporarily absent. Now, we'll move to the Work Group for Infrastructure Financing; and I would 3 invite members of the Working Group to join us at the table. And ask you, Dale Susan 4 Rosenthal, as Chair of the Working Group, and members of the Working Group - oh, 5 6 we have name places for all of you. Why don't we start by having those of you who could join us -- who are here -- introduce yourselves. You need to push the button in 7 8 front of you to turn the mic on – but then, Mr. Spengler, I'm not sure – remember that --9 and have everyone introduce themselves, and then I'll turn it back to you, Dale. All right. 10 Arthur Spengler 11 12 Art Spengler. 13 14 Joseph Mason, Joe Mason. 15 16 17 Dale Susan Rosenthal, 18 Dale Rosenthal. 19 20 William Hudnut, 21 Bill Hudnut. 22 23 Chad Edison. 24 Chad Edison. 25 Jeff Zyontz, 26 Jeff Zyontz. 27 28 29 Council President Praisner, 30 Jeff Zyontz being our staff member. There are other members of the Working Group who are in the audience who served as some of the staff support and ex-officio 31 32 members as well. I want to acknowledge them at the same time -- I see Jennifer Barrett 33 34 35 Dale Susan Rosenthal, 36 Roselle George. 37 38 Council President Praisner, 39 Roselle George from the Planning Board. Anyone else? No. Okay – and Jeff. Dale, I'm 40 sorry. 41

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Thank you and good morning. I'm Dale Rosenthal, and I'm pleased to have the opportunity to present the report of the Working Group on County Government Infrastructure Financing. First, I'd like to recognize the hard work, creativity, and humor of my working group colleagues. I'd particularly like to acknowledge the County staff members who provided very thoughtful clarity to our deliberations. Special thanks must go to Jeff Zyontz for his exceptional dedication to the task -- and for the donuts, Jeff. [Laughter]

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Unidentified Male Speaker,

10 Here, here.

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42 43 Dale Susan Rosenthal,

Some of us didn't try them, but we heard about them. You asked us to provide recommendations regarding policies and strategies that the County could pursue to secure stable and equitable long-term financing for County infrastructure and renovation. While we recognize the range of political considerations inherent in making revenue choices, we did not evaluate the likelihood of opposition from various stakeholder groups. We should also acknowledge that upcoming revenue decisions by the State will affect County residents and businesses. Nevertheless, we believe that the County must move forward to address the tremendous need for additional infrastructure funding. That need has been documented in several previous reports. The estimated unprogrammed requirements for transportation, public safety, and software systems are approximately \$2 billion -- 200% greater than the \$978 million in the approved Capital Improvements Program. To meet this need, this Working Group identified over 25 options -- including both innovative financing techniques and additional sources of revenue which are in use around the country. To evaluate these options, we used a series of criteria -- five of which I'd like to highlight here. First, maintain the County's Triple A Bond Rating. Second, provide an adequate, stable, and long-term revenue stream. Third, create an equitable balance between payors and beneficiaries by focusing on user fees. Be timely and be consistent with other County goals. Let me briefly summarize our recommendations. We believe that these best meet our criteria. While not unanimous, this package does represent a consensus among a majority of the group's members. First, we recommend that the County obtain State authorization for a local-option motor fuel excise tax, motor fuel sales tax, and/or a motor vehicle registration fee. This option would create a more equitable balance between payors and beneficiaries, as transportation users are clearly the most affected. Unfortunately, any of these changes will require State authorization, which may be difficult to achieve. However, it should be noted that Virginia has recently authorized many of its localities to enact a sales tax on motor vehicle fuels for transportation improvements. In order to provide an adequate level of revenue, this option will be broadly applied. For example, to raise about \$75 million per year would require a Motor Fuel Excise Tax of 15 cents per gallon; or an annual County Motor Vehicle Registration Fee of \$100; or a 6% Motor Fuels Sales Tax. Our second recommendation is to enact a new Local Excise Tax on



1 nonresidential commuter parking spaces which are available for use Monday through 2 Friday. This tax would create a more equitable balance between payors and 3 beneficiaries, as users of parking spaces are clearly users of the transportation system. In fact, some 37% of workers in Montgomery County commute from outside the County. 4 5 This tax can be implemented timely since it is enacted by County statute. It may 6 contribute to other County goals of encouraging carpools or transit use. To raise about 7 \$75 million per year -- based on estimates of current nonresidential, nonretail parking 8 spaces -- would require a tax of about \$1 per workday per space. Our third 9 recommendation is to increase the Recordation Tax while maintaining a \$50,000 exemption. This recommendation also creates a more equitable balance between 10 payors and beneficiaries, recognizing that residence and businesses place a demand 11 12 on County infrastructure when they move into or within the County – regardless of whether they occupy a new development. To raise about \$37 million annually, for 13 14 example, would require an increase of about \$2.50 per thousand. However, even with 15 this increase, Montgomery County would be below several other Maryland counties and the District of Columbia. Unfortunately, transactional revenue is subject to market 16 fluctuation. Our fourth recommendation is to increase the rates and coverage of current 17 18 impact taxes for new capacity projects. This Working Group recommends some 19 increase in rates for transportation projects and an expansion in the coverage of impact 20 taxes to other program areas. However, this option also acknowledges that some level 21 of benefit for new capacity accrues to current residents and businesses. Cost recovery, therefore, should be less than 100%. This option could, however, increase the County's 22 23 affordability problem, subject to market conditions. An increase of 50% in the current 24 Transportation Impact Fee rate would yield approximately \$7 million. Our fifth recommendation endorses the Council's recent decision to maximize the use of general 25 obligation debt to a level that maintains the Triple A Rating. Finally, the Working Group 26 27 believes that the Council should encourage additional public/private partnerships and 28 privatization opportunities. Several successful partnerships have occurred when the 29 County has solicited responses for specific opportunities. We believe that the County 30 can take a more proactive approach by enacting public/private legislation, and focusing 31 internal resources on outreach for partnering opportunities. We would also encourage the Council to review the numerous other ideas which are included in our report, some 32 33 of which may be appropriate for further study. My colleagues and I very much 34 appreciate the opportunity to provide these suggestions, and we recognize the challenge facing you to make them happen. While raising fees and taxes is painful to all 35 36 of us, we believe we must make this investment in our future. My colleagues and I are 37 pleased to answer any questions that you may have concerning our report. Thank you 38 very much.

- Council President Praisner,
- Thank you, Dale; and thank you again to all of you. Are there any members of the
- Working Group that would like to add any additional comments before I turn it over to



1 individual councilmembers for questions or comments? Gosh, you're not shy folks. Mr.

2 Hudnut.

3 4

- William Hudnut,
- 5 I'll say something. I realize that any recommendation to raise taxes is a difficult one to
- 6 provide and to accept. And having lost the statewide election in Indiana on the issue of
- 7 taxes, I know how painful it is. But it seems to me that in the light of the overwhelming
- 8 testimony from the National League of Cities and the U.S. Conference of Mayors and
- 9 probably the National Association of Counties that have been made already to
- Congress; and in view of the tremendous lapses in infrastructure we have, as 10
- represented by the collapse of the bridge in Minneapolis; and in view of the tremendous 11
- 12 infrastructure deficit that is being faced all around the country; and in view of the fact
- that the American Society of Civil Engineers has given America about a "D" rating in 13
- 14 terms of its infrastructure, I think that these recommendations we're making are
- 15 necessary and deserving of your serious -- but hopefully favorable -- consideration. It's
- going to be tough. You're going to have to sort it out and prioritize and all of the rest of 16
- it. But, as somebody once said, "Taxes are the price we pay for civilization." And there's 17
- 18 a difference between wise spending and wild spending, and we're encouraging you to -

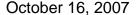
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- 20 Council President Praisner.
- 21 Wise.

22 23

- William Hudnut.
- 24 -- undertake some wise spending.

- 26 Council President Praisner.
- 27 Unfortunately, some of that "wise spending" is a judgment call among individuals. And
- 28 the question is where the threshold is and where the capacity level -- where we achieve
- 29 the capacity level of, if not unanimity, at least consensus. I do have some lights, so let
- 30 me start with Councilmember Floreen.
- 31 Councilmember Floreen.
- 32 Well, I wanted to express my very heartfelt appreciation to all of you for getting us your
- best advice in such a short time. You are a tribute to the standard of, "If you want 33
- 34 something difficult to get done in a short period of time, ask some busy, smart people."
- And we are in a position to really benefit from your insight and your expertise. I had the 35
- 36 privilege of attending a couple of your meetings; and someone would ask really a
- 37 complex question, and another member would say, "Well, the answer is XYZ." I heard
- Joe say that on more than one occasion, and I think that was the regular experience 38
- 39 with this crowd. So you were able to hit the ground running, and we are indebted to you
- 40 for your expertise -- both locally and nationally -- as to the trends and the issues that
- face us all. Of course, the timing on this is really perfect because of the work we're 41
- 42 doing right this minute on growth, on the issues of certainly the growth taxes and the
- 43 recordation issue, and statewide with respect to what may be occurring on the State





- Budget. I think it'll be a good time for us to raise our authority, if we agree to pursue
- that, at that level as well. I know that the staff support for this was also extraordinary, so
- 3 I do thank them for this. And I do thank my colleagues for expanding the scope of this
- 4 from just transportation to our other infrastructure needs, because I think it brings to us
- 5 the kind of recommendations we really need to face in an updated circumstance. I think
- 6 the last report we had on this was over ten years ago, and it's time to revisit the issue.
- 7 So I am, as I said, I am indebted to you. Thank you for your contribution to what's going
- 8 to be a very challenging set of decisions and initiatives for us to undertake. But no one
- 9 can suggest that you haven't brought anything but expertise and forward thinking to
- 10 help us chew over these issues. So thank you.

- 12 Dale Susan Rosenthal,
- 13 Thank you for your kind comments.

14

- 15 Council President Praisner,
- 16 Councilmember Leventhal?

17

- 18 Councilmember Leventhal,
- 19 Well, I think this is a very helpful contribution to the discussion we're going to be having.
- 20 In your thinking about impact taxes and recordation taxes, which obviously are before
- the Council now as a result of the Planning Board's recommendations, do you see your
- views on those two revenue sources as over and above what the Planning Board is
- recommending or as an endorsement of what the Planning Board is recommending?
- How do those two items interact with what's before us now in this Growth Policy
- 25 discussion?

26

- 27 Dale Susan Rosenthal,
- I think we were focused, Mr. Leventhal, more conceptually on the idea that each of
- those has a place in a total program.

30

- 31 Councilmember Leventhal,
- 32 Mm-hmm.

33 34

- 35 Dale Susan Rosenthal,
- We were not looking so much as adding them to what is being considered now; but
- 37 rather that they are, again, an important part of a full portfolio of options that could be
- 38 undertaken.

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- 40 Councilmember Leventhal.
- Okay. Did anyone else want to comment on that?

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43 Chad Edison,

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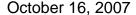
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Arthur Spengler,

That was a 1990 event.

1 I would just add to that that the exact examples that we gave you are just examples of 2 the levels and rates. And, obviously, these could be adjusted as would be necessary to 3 fit the size of whatever program. 4 5 Councilmember Leventhal, 6 Right. And even on rates, those are just examples, too. For example, on transportation, 7 you could do any one of those options or a blending of several of those options. 8 9 Chad Edison, 10 Right. 11 12 Councilmember Leventhal, 13 The tax on parking spaces, did we not -- maybe someone else here can help me on this 14 - did Montgomery County not attempt this during Neal Potter's administration? And 15 what happened? Just refresh my memory of what happened on this. 16 17 Jeff Zyontz, 18 I'm not sure it was Neal Potter. I think it might have been just before Neal Potter. In, I 19 believe it was 1992, the Council actually adopted an excise tax— 20 21 Council President Praisner, Neal Potter. 22 23 24 Jeff Zyontz, It was Neal Potter? 25 26 27 Councilmember Leventhal, 28 Yeah. He was County Executive in 1992. 29 30 Jeff Zvontz. 31 -- but although the Council passed it, it was vetoed by the Executive --32 33 Councilmember Leventhal, 34 Oh. 35 36 Jeff Zvontz. 37 -- and was never overridden by the – was never overridden. 38 Council President Praisner. 39 Actually, let's let Mr. Spengler comment, as we know -- since he had some institutional 40 memory on this. Art? [Laughter] 41

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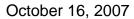


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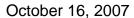
1 2 Council President Praisner, 3 Right – pre the electionism. 4 5 Arthur Spengler, 6 It was pre-1990 election, and Mr. Kramer was the County Executive at the time. And the Council enacted it. It wasn't quite the proposal that's in this package here; it was a much 8 broader-based Parking Tax proposal which the Council enacted, the County Executive 9 vetoed, and then the Council did not -10 Councilmember Leventhal. 11 12 That was the end of it. It never came back. 13 14 Arthur Spengler, 15 -- never considered his veto. 16 Councilmember Leventhal, 17 18 Okay. And then, I'm trying to understand item 5 as well. When you say "maximize the 19 use of general obligation debt to a level that maintains the Triple A Rating," words matter here. Is that the same thing as saying, "Borrow as much as we can, but not by 20 21 more than would maintain the Triple A Rating?" 22 23 Council President Praisner, 24 Joe? [Laughter] 25 26 Councilmember Leventhal. 27 Is that the same way of saying that? 28 29 Council President Praisner, 30 Joe? 31 32 Councilmember Leventhal. 33 Don't borrow so much -- borrow as much as you can, but not so much that we lose our 34 Triple A Rating. Is that a correct alternative way of saying the same thing? 35 36 Joseph Mason. 37 That's a fair representation. 38 39 Councilmember Leventhal, 40 Right. 41 Joseph Mason, 42 The County has spending affordability guidelines. It has a debt service to expenditures

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2	Councilmember Leventhal,
3	Yeah.
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5	Joseph Mason,
6	that it seeks to uphold.
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8	Councilmember Leventhal,
9	But your recommendation is "borrow." That's the recommendation. Issue as much as
10	you can. Issue a lot of bonds.
11	
12	Joseph Mason,
13	You were pretty close to it before you endorsed this.
14	
15	Councilmember Leventhal,
16	Right.
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18	Council President Praisner,
19	I think, if I read this, the recommendations for the spending affordability numbers that
20	the Council chose at the \$3 hundred million category range does what you recommend
21	It puts us at the limits that are related to the series of indicators and the 10% and those
22	issues. So I think before we would have acted, this recommendation would have had
23	more of an action required by the Council; but that now it's an affirmation of what the
24	Council did in its spending affordability number.
25	
26	Councilmember Leventhal,
27	Well, if it's an affirmation of what the Council did, then it doesn't provide any new
28	resources.
29	
30	Council President Praisner,
31	Well, it tells us –
32	
33	Councilmember Leventhal,
34	I thought the purpose of this Working Group was to identify resources not already
35	available to the Council. If this is merely an affirmation of the excellent work of the MFF
36	Committee and the Council, then that doesn't give us one new dollar. So I'm trying to
37	understand how point 5 relates to the charge to the task force, which is "additional
38	resources over and above those already available to the Council."
39	On wealth Dread death Dreinner
40	Council President Praisner,
41	Well, when they recommended it, we hadn't done it I think is the point.
42	





1 Councilmember Berliner.

2 That's the short answer.

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- 4 Council President Praisner,
- 5 That is correct. That is correct. [Laughter] I believe the Council's actions were –

6 7

- Dale Susan Rosenthal,
- 8 Again, we read their minds.

9

- 10 Council President Praisner,
- 11 Right.

12

- 13 Councilmember Leventhal,
- 14 My other question about that obviously this is an art, not a science. We don't know
- what level maintains our Triple A Rating. It's not like you know, we have this ongoing
- dialogue with the rating houses. It's not as though they say, "This much and no further."
- 17 It's all a sort of year-to-year negotiation about the rating with three different rating
- 18 entities.

19

- 20 Dale Susan Rosenthal,
- 21 Perhaps I could make one point about that. I think, Mr. Leventhal and other Council
- members, our thinking was that the Triple A Rating is very important to the County; and
- we wanted to acknowledge that. But I think the Working Group felt that there was
- 24 undoubtedly some tweaking that could be done to the way the County looks at it's
- spending affordability guidelines that could generate some additional funding. For
- 26 example, there are some techniques of project finance where certain revenue streams
- outside of those which are a part of that which supports directly the rating, could be
- 28 looked at and monetized.

29

- 30 Councilmember Leventhal,
- 31 Uh-huh.

32

- 33 Dale Susan Rosenthal,
- We didn't make that one of our specific recommendations, but you may find some of
- 35 those opportunities in some of the public/private ventures that you may choose to
- 36 consider down the road. Do you want to elaborate?

- 38 Joseph Mason,
- No, I think you captured it very well. I would say that one thing that could come out of
- 40 this discussion is that, "We're not going away." And as you look through the other
- options that are laid out for you in sort of an appendix format, we didn't want to elevate
- some of them to formal recommendations maybe they weren't quite ripe for it yet. But



I think as a group, we can all commit to if there are other options that you would like to explore in greater detail, you certainly have us at your disposal as necessary.

3

- 4 Councilmember Leventhal,
- 5 Okay. My last question is --
- 6 Council President Praisner,
- We have your phone numbers and your e-mails.

8

- 9 Dale Susan Rosenthal,
- 10 Right. I think that's his point.

11

- 12 Councilmember Floreen,
- We'll find you.

14

- 15 Council President Praisner,
- 16 Councilmember Leventhal.

17

- 18 Councilmember Leventhal,
- 19 My last question is, "Did the Working Group consider the concern that's frequently
- 20 expressed that when we go to the State to authorize us to tax our own people for
- 21 purposes that there's every reason to think that the State has some obligation to pay for
- 22 such as road construction, school construction, mass transit systems, etc. that the
- 23 revenue we might raise from having a special permission from the State to tax
- ourselves might be offset by a reduction in what the State might allocate to us out of our
- 25 you know, we're Mallenders too; and we're entitled to a substantial share of State
- dollars. And yet the State may say, "Well, you know, they're paying for it themselves;
- 27 and, therefore, they'll get a little bit less for schools, roads, and mass transit. Did the
- Working Group discuss that the concern about how the one might be offset by the

29 other?

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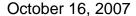
- 31 Dale Susan Rosenthal,
- 32 The Working Group was certainly away of that concern; however, we felt that the
- interaction between the County and the State raised so many issues particularly at
- this very "volatile," if you will, time where we're in -- that we would focus most
- 35 specifically on revenue sources. We're certainly aware of that concern.

36

- 37 Councilmember Leventhal,
- I mean, there was a lot of good math that went into this. But was the issue of possibly
- losing State support as a result of getting State permission to tax ourselves -- was any
- 40 offsetting effort made there? Was that calculated at all?

41

42 Dale Susan Rosenthal,





1 We did not attempt to calculate some sort of reduction that could occur. In fact, I would 2 say that there was probably more discussion about the feasibility of altering certain 3 State allocation formulas to enhance what we might receive.

4 5

- Councilmember Leventhal,
- 6 Thank you.

7

- 8 Dale Susan Rosenthal,
- 9 Thank you.

10

- Council President Praisner, 11
- 12 Councilman Berliner.

13

- 14 Councilmember Berliner,
- 15 Thank you, Council President Praisner. My questions go to a couple things. One, I'm curious as to whether or not you considered as a group congestion pricing at all in the 16 context of your transportation issues; and, if so, what you can share with us as to your 18 thoughts with respect to it.

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- 20 Chad Edison,
 - Yes, we did. We definitely discussed congestion pricing and how it would be applied to the County. One observation is that many of the roads that are best suited for that are State-financed roads; and, as such, one of our notes is that if the State were to pursue some sort of Congestion Tax, that there be a consideration of a portion of that being earmarked for the County – if that were to occur. So there could be perhaps some collaboration with the State on that issue, if that were ever to be introduced on state roads; but we didn't see an easy way to collect it for -- specifically as it's related to local.

- Councilmember Berliner,
- 30 Did anybody else care to speak to it, or is that the definitive answer? If so, I appreciate 31 it. Secondly, I just wanted to observe I appreciated your recommendation as it related to the Recordation Tax. It is something that is obviously before this Council now. I have 32 33 gone on record as supporting the Recordation Tax, and it is my hope that our colleagues will as well. I think it is without question the largest source of revenue that is 34 going to be before us; and, therefore, it is of critical importance. And I know that we will 35 36 have a future conversation with respect to the allocation of those revenues; and that's 37 important to you, and I know it's important to my colleagues. But I appreciate your stepping up to that issue. It is important to hear from people like you with respect to that
- 38 39 issue as well as the Transportation Impact Tax. And, again, I believe yesterday our MFP
- 40 Committee, under the leadership of Chairman Trachtenberg, did adopt a 90% marginal
- cost recovery for Transportation Impact Fees. So we feel like we've made a very 41
- 42 significant contribution to ensuring that every dollar that is associated with
- 43 transportation-related issues does come to the County. But, again, I want to commend



you for your leadership and getting in front of these issues and advising us that this is important for us to do. Thank you, Council President.

3

- Council President Praisner,
- 5 Councilmember Ervin.

6 7

- Councilmember Ervin,
- 8 Thank you. I would like to also add my voice in thanking the Committee for all its hard
- 9 work. But Councilmember Berliner just brought up something that I I had my light on
- and then I turned it off and now I turned my light back on again. And it has to do with the
- issue of equity and how we share who pays for all of these transportation infrastructure
- improvements. And I want to speak directly to the issue of raising the Recordation Tax. I
- would like to be on record in saying that I'm very skeptical about taxing anything
- \$500,000 or below. I think that we need to raise that to at least \$600,000, because we
- know that in Montgomery County there are very few homes that you're going to sell for
- \$500,000. Again, I think the squeeze is on working class folks. And we're going to get
- the squeeze from the State; we're going to squeeze them again at the County. I believe
- very strongly in the fact that we've got to pay for this somehow. But I'm looking at the
- balance here. And I think you've done a really good job; you've given us a lot to chew
- 20 on. And I really appreciate all your hard work. But, again, the people in my district that I
- represent are going to be a lot of the folks who are really going to be squeezed when
- you're looking at all these extra ways that we're going to tax people. And so I just
- wanted to raise that to Councilmember Berliner and the people on the MFP Committee,
- because I am very concerned how many people will be hurt financially.

25

- 26 Councilmember Berliner,
- 27 If I could respond, Council President.

28

29 Council President Praisner.

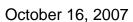
Well, I'm going to call on other councilmembers. But if you want to answer specifically -I think Councilmember Trachtenbeg was going to try to, too; but go ahead.

32

- 33 Councilmember Berliner,
- Go ahead if you'd like to, Madame Chair. I just was going to observe that the proposal
- that was before the committee yesterday was, in fact, the proposal that had been
- recommended to us by the realtors -- which was to go to the \$600,000 figure. So that
- was the proposal –

38

- 39 Council President Praisner,
- 40 Let's be clear. The realtors are not supportive of making a change; but if we are, they'd
- recommend that it be set this way. I just want to qualify in Meredith's absence, I want
- 42 to make sure.





- 1 Councilmember Berliner.
- 2 My statement stands; it was a proposal that was submitted as -

- Council President Praisner,
- 5 If we felt we had to, this is what they would prefer. Councilmember Andrews.

6 7

- Councilmember Andrews,
- 8 Thank you. Thank all of you for your hard work and your thoughtful recommendations.
- 9 I'd like to get some sense of what options you looked at and rejected and what -

10

- 11 Unidentified Male Speaker,
- 12 It's in the back.

13

- 14 Councilmember Andrews,
- 15 Is it? I'm sorry. I didn't see it.

16

- 17 Councilmember Berliner,
- 18 Do your homework.

19

- 20 Councilmember Andrews,
- There it is, okay. Can you talk a little bit about your thinking though, and how you chose what you did and rejected what you did?

23

- 24 William Hudnut.
- Let me just make a general statement in answer to your question, Councilmember
- Andrews. I don't think that we rejected anything. We just tried to prioritize. And as we
- 27 thought these options through some of us were skeptical, for example, about going to
- 28 the State for anything. At least I was on the basis of -

29

- 30 Council President Praisner,
- 31 Experience.

32

- 33 William Hudnut.
- 34 -- my experience and the prejudice that many state capitols have against the "big
- gorilla," if you want to put it that way. But the wisdom of the group was that we try to
- obtain State authorization for those taxes. And the "and/or" I think is important in the
- verbiage beyond it it says "and/or" -- although on page 1, it just says "or." In other
- words, you can have a mix. But we tried to use our best judgment about what was
- fiscally desirable and politically feasible, and this is where we came out. But there's
- 40 nothing sacrosanct about these five recommendations, and there can be utilization of
- other options as you see fit. And what you're going to have to do is to decide your own
- 42 priorities, and then try to put something together that reaches the goal of \$135 million.



- 1 Councilmember Andrews,
- 2 Okay.

3

- 4 Chad Edison,
- 5 I would also like to add that on pages 10 and 11 of the report, we do list a number of
- 6 actions that could be considered further; and we indicate the reasons for those. And
- 7 then in Appendix D of the report, we list a number of options that seemed less viable to
- 8 us; but we still included the analysis of them in the report. So we'd be glad to address
- 9 any of those or give some illustrations if you'd like that.

10

- 11 Dale Susan Rosenthal,
- 12 And, as Ms. Praisner said earlier, you have our phone numbers and e-mails. So we'd be
- happy to provide that information.

14

- 15 Councilmember Andrews,
- We do. Thank you all.

17

- 18 Dale Susan Rosenthal,
- 19 Thank you.
- 20 Council President Praisner,
- 21 Councilmember Trachtenbeg.

22

- 23 Councilmember Trachtenberg,
- 24 Thank you, Council President Praisner. I want to start my remarks off by actually
- 25 thanking the committee members that are here this morning for an excellent job. I also
- want to acknowledge my colleagues; because when this was first proposed by
- 27 Councilmember Floreen as an option to work with the community, it was within the MFP
- 28 Committee that I chair that we talked about expanding the charge and really making it
- 20 July 1 and 1 an
- about much more than transportation. And I really think that the report before us speaks
- to why that was the right thing to do. The first remark that I wanted to share this morning
- was about the Triple A Rating. And having experienced now one trip up to New York for
- 32 bond rating purposes –

33 34

- 35 Council President Praisner,
- 36 Without Joe.

- 38 Councilmember Trachtenberg,
- 39 -- I have the sense that as long as we keep within that 10% window, it would be safe to
- 40 say that the rating is secure. And, obviously, it's something that's very important for us
- 41 to be able to continue business on the level that we do our business. The Recordation
- 42 Tax that was discussed yesterday within MFP chairing the Committee, I tend not to
- voice my opinion really until the end, allowing more for free discussion. But I have to



admit after we had the worksession yesterday that I had a few discussions publicly, and I made it very clear that I also had hesitation around increasing the tax. And my reasons for that are twofold. One is partially related to what Councilmember Ervin has shared around vulnerability, and the fact that we might be creating a higher bar for some than we want to. But the other part of it, in my mind, is that the market might change -- and might change in a negative way. And I feel very hesitant about making that kind of change at this time. I'm not convinced that in a year or two, I wouldn't be more comfortable. But I just wanted to publicly state that at this point, "I'd have to be convinced." I think those were the words that I used yesterday – last night. And in terms of a question, I wondered if any of you here this morning would like to expand on the conversation around public/private initiatives. I am particularly intrigued with that idea. I know other jurisdictions have been exploring ways to create those kinds of partnerships in order to increase revenue. And I wondered if anyone here this morning would like to talk a little bit about the discussions that you had within the task force about that very issue.

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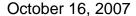
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William Hudnut,

I think I'll give that a stab first. Councilmember Trachtenbeg. The first thing I think we have to do is to distinguish between privatization and public/private partnerships. Privatization would be when you take, for example, the janitorial services and contract them out to the private sector supplier. Public/private partnerships have to do with the way in which the public sector and the private sector combine in order to do a deal or to work out some kind of an arrangement that's a win/win situation for both. The Indiana Toll Road was sold for \$3.-something billion dollars to a private sector operator. And to be honest with you, according to the information we have, the State of Indiana made more off the interest from the check that it deposited in one year than they collected in tolls. But it's a partnership between the two. The second thing to say is that there is opportunity in many communities for monetization of public assets; that is, selling them to the private sector. It might be a parking garage. It might be a toll road. Who knows what it might be? But I think this is an option that's worth pursuing because right now the thinking among the more creative approaches to public/private partnerships is to think of creative ways in which these can be forged rather than just relying back on the old, traditional way of saying, "Well, we've got to raise the general tax in order to do this." And that takes a lot of work and fine tuning; but in the long run, if you work out such a partnership, some funds can flow through to the public sector. The public sector has the advantage of patient money. You're talking about bond issues. When we were doing a \$3 hundred million project in Indianapolis during the time that I was mayor there, we floated what was called at the time "moral obligation bonds" -- the thing we could get rated. And we did have a Triple A Bond Rating. But the patient money comes in because you don't have to pay those back in the next quarter; and nobody's looking for an immediate return on that money. It's much longer – out twenty years or something like that. So in a general way, I think that the utilization of public/private





partnerships, privatization, and the sale of public assets to the private sector has a lot to recommend it if you're looking for infusions of capital to cut this nut.

- Councilmember Trachtenberg,
- 5 Okay.

- Dale Susan Rosenthal,
- Did you want to add to that?

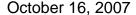
- 10 Chad Edison,
 - I would also add to that that I've seen in the transit environment some good examples of public/private partnerships that have allowed for a shared benefit in redevelopment or in densification of properties. I've seen examples of this where there have been shared parking garages between a private sector development and a transit maintenance facility, where they had overlapping needs. The needs were at different times of day for the parking, and so they could share the parking. We saw examples where they had shared utility plants, where they actually had a private operator for the utility plant that was running the utilities needed by both the public and the private sector properties. And so there are some techniques here that can help in providing the resources needed to both do some of the development on the private sector side and help renew or build new County facilities.

Joseph Mason,

Let's just add – take a little bit of a different tact here. In talking with staff and talking internally, the County has done some public/private partnership types of transactions – the Montgomery Conference Center, for example. I think it's our considered view that it almost needs to be something that's taken back to the staff level. And it's almost a culture change, if you would, that the development community – that the private sector is eager to do these types of projects. And there's – on a whole variety of fronts — there are opportunities that they may have and that you may have that you can come together and partner. Right now what we're seeing is it's sort of on an ad hoc basis – that somebody comes up with an idea and it's studied and it's more of a dipping of the toe into the water. Whereas, there may be broader opportunities there that could be leveraged if it were pursued a little more actively from a land use standpoint, and so on and so forth. That's really part of the core, I think, of the recommendation.

- Councilmember Trachtenberg,
- I thank you for the comments. It's, again, an area that I think is worth pursuing in future conversation.

- 41 Council President Praisner,
- 42 Councilmember Elrich.





1 Councilmember Elrich,

2 I also wanted to thank you all for your report. And what I really appreciated was that the 3 recommendations by and large are grounded and not pie in the sky. You could have easily come back with a list of things that we could do in the perfect world, and they 4 5 would have no applicability to what's within our grasp. So I appreciate giving us 6 suggestions that are within our grasp. I'm interested in the long run in learning more 7 about special taxing districts done right – and particularly the benefit assessment 8 districts -- because the example that I always think of is Metro, where the public 9 investment of billions of dollars created enormous wealth around the Metro stations. 10 And had we put benefit assessment districts at every Metro station and captured some of the increase in property value that was created by the public investment, we wouldn't 11 12 be in this mess with Metro today. We'd be expanding the system. We would have been 13 able to maintain the system. Development would have gone on and been very, very 14 prosperous. But the public would have gotten something back for its investment. And I 15 think it's important to look at as we go forward -- that where we put in a large public investment that has a large private benefit, that we look at ways of recapturing some of 16 that. I'm also interested in the public/private partnership aspect of the deals you've 17 18 talked about. I've seen presentations where people made it very clear that one of the 19 things government could bring to the table is a less expensive access to capital. And 20 that that has a significant impact on projects. And that some governments have actually 21 been able to leverage more benefit for local government by doing that than they would have gotten from the normal form of, "I will let you do this if you give me these benefits." 22 23 The value of government participating in long-term financing and using bonding 24 authority at the time has a significant benefit, and they're able to actually get more back on the other side. And so I think we do need to look more creatively at how to generate 25 other sources of revenue, and do it in a way that's good for everybody who's playing in 26 the pool together. So I really appreciate the work you all did on this, and I look forward 27 28 to having more discussions – particularly about the benefit districts. I'm wondering 29 whether also you all looked specifically at how Denver financed their Rapid Transit – the 30 decision to go ahead with it. I think they call it "FasTracks." And I'm very interested in 31 how they're paying for that, because it's not off the general tax rolls.

32 33 34

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Chad Edison.

Well, it's mostly bonds issued off of sales tax revenues that they have pledged to that project. So some of it's pay-as-you-go money that's the cash that's into the system; and then they've also issued bonds to pay for that.

37 38 39

- Councilmember Elrich,
- 40 It would be great to see how that was actually paid out, fleshed out.

41 42

William Hudnut,



I might just add that that \$4 billion plus bond issue that was voted in by the people received broad-based support from the political community. There were thirty-two mayors in the Metro Mayors Caucus out there in the Denver area, all of whom lobbied hard and strong and long to get this particular bond issue passed. And it worked. And it's a credit to the foresightedness of the people in Denver who didn't just lay back in the weeds and say, "Well, we can't have a tax increase." And who knows? It may not be a tax increase if they're retiring as many bonds as they bring on each year.

9 Councilmember Elrich,

10 It's a hundred and nineteen miles of light rail –

- 12 William Hudnut,
- 13 Yup.

- 15 Councilmember Elrich,
- 16 -- which is amazing.

- Council President Praisner,
 - But from a standpoint of the task force, the issue is a Sales Tax option -- which that region had available to it which we wouldn't have here as a separate, independent source of revenue as a recommendation. It would be an issue either for the State or for the Washington Region if it wanted to look at long-term funding or support for Metro or the capitalization of the value of Metro issues. Again, it's authority we do not have at this point.

- Chad Edison.
- There are some examples -- in Seattle and in some other Portland, Oregon where either in the case of Seattle, vehicle registration fees were bonded as part of the way that they paid for the transportation improvements. In the case of Portland, Oregon, a lot of the streetcar improvements you see in Portland were funded with benefit assessment districts as you've referred to. In some of the benefits that you see in some of the smaller projects, where there are no federal funds involved, are that they can implement them much more quickly and actually cut out a lot of the more expensive parts of the planning process. So you see some kind of selected projects that are locally, or locally and State funded, that go ahead without federal involvement and often happen faster and at a smaller cost than they would if they also involved federal money.

- 38 Council President Praisner,
- 39 Thank you very much for those comments, Chad.

- 41 Councilmember Elrich,
- 42 Thank you.



Council President Praisner, 1 2 Marc, anything else? 3 4 Councilmember Elrich, 5 No. 6 7 Council President Praisner, 8 No? We've lit up some lights of folks who've already had a chance to speak. So we'll go 9 back to them for one last comment. Councilmember Leventhal. 10 Councilmember Leventhal. 11 12 I did already have a chance, and I thank the President for giving me a second chance in 13 this dialogue. 14 15 Council President Praisner, We give it to you till you get it right, George. Okay? [Laughing] 16 17 18 Councilmember Leventhal. 19 No, I mean this dialogue did spark additional questions, so – 20 21 Council President Praisner, 22 No, that's fine. I'm just teasing. [Laughing] 23 24 Councilmember Leventhal. 25 No problem. Number one, I thanked the task force; I neglected to thank Councilmember Floreen. This was a good idea, and it sparked some future good ideas. And we're going 26 to continue to delve into those. And then number two, I guess Mr. Edison said you're not 27 28 going away. We've -29 30 Council President Praisner. 31 No. Mr. Mason said that. 32 33 Councilmember Leventhal, 34 Mr. Mason said it. Well, in any event -35 36 Council President Praisner. 37 He's not going away either. 38 39 Councilmember Leventhal, 40 Nobody's going away. 41 Council President Praisner, 42 Is nobody speaking for Mr. Edison except Mr. Edison? 43

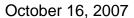


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Councilmember Leventhal,

1 Councilmember Leventhal. 2 Mr. Mason said, "We're not going away." 3 4 Council President Praisner, 5 That's right. 6 7 Councilmember Leventhal, 8 So the question is now, from this conversation -- have sparked my interest, and I'm sure 9 other councilmembers' interest, in some specific homework assignments that I'm not in a position to assign them to you. I could ask Council staff. We could urge the Executive 10 staff. But some of the specific things that it would be worth fleshing out in greater detail 11 12 - and I'm sure there are many others besides these - on this issue of the parking garages -- Councilmember Trachtenbeg circulated a memo earlier this year about 13 14 lease/buy back arrangements with parking garages. My understanding with a lot of the 15 most popular revenue-generating parking garages in Montgomery County is that they're already tied up for years; that is, they were built with bonds. The bonds are paid for with 16 17 parking revenue. 18 19 Council President Praisner, 20 Park View District. 21 22 Councilmember Leventhal, 23 And that if someone went in and bought that, they'd have to buy out the bonds. 24 25 Council President Praisner, 26 Right. 27 28 Councilmember Leventhal. 29 And that wouldn't leave much for County Government. That wouldn't generate a lot of 30 dollars for us. So we need not answer that now. 31 Council President Praisner. 32 33 Well, let me say, George, because I think that speaks to the "next steps" kinds of 34 questions. 35 36 Councilmember Leventhal. 37 Right -- next steps. Well, that gets to my question. 38 39 Council President Praisner, 40 And I'm going to refer the recommendations and the work to the MFP Committee just as 41 this came out of that. 42

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Councilmember Leventhal.



Yeah. 1 2 Council President Praisner, 3 And the point about whether there are specific things that councilmembers are interested in pursuing that are not part of the specific recommendations, or where there 4 5 are models elsewhere -6 7 Councilmember Leventhal, 8 Right. 9 10 Council President Praisner, whether they involve authority that we have now or authority we don't -- those are the 11 12 follow-ups obviously that I suspect we will want to pursue. 13 14 Councilmember Leventhal, 15 Right. 16 17 Council President Praisner, 18 We obviously -- to the extent that Council, and the Committee and the Council, supports 19 or wants to pursue some of the things that require State authority -- we know what has 20 been the reaction to those requests in the past. Unless we want to get the same answer 21 that we've gotten in the past, it seems to me the question is timing, strategy, and engagement of some of the folks across the table with us – meaning our Working Group 22 23 - as to the rationale for why our delegation might be receptive or not receptive to these 24 issues. But the MFP Committee will take this as a set of recommendations and kind of 25 flesh them out. 26 27 Councilmember Leventhal, 28 Could I reclaim my time for just another thirty seconds? 29 30 Council President Praisner, 31 Sure. Go right ahead. 32 33 Councilmember Leventhal. Actually, if I'm remembering right on the Vehicle Registration Fee, the General 34 Assembly was willing to give it to us. It was Governor Ehrlich who vetoed it; isn't that 35 36 correct? 37 38 Unidentified Male Speaker, 39 Yes. 40

27

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So we have a new governor now. So there's some opportunities here.



43

Council President Praisner,

1 Council President Praisner, 2 Well -3 4 Councilmember Leventhal, 5 Yeah. 6 Council President Praisner, 7 -- but there were a variety of other issues. 8 9 Councilmember Leventhal, 10 Yeah. 11 12 Council President Praisner, 13 The question is the dynamics at this point – 14 15 Councilmember Leventhal, 16 Okay. 17 18 Council President Praisner. 19 and whether folks might be receptive. 20 21 Councilmember Leventhal, 22 Two more quick points. 23 24 Council President Praisner, 25 Sure. 26 Councilmember Leventhal, 27 28 And then the reservation was raised about benefit assessment for transit lines, which is 29 potentially very appealing. The issue there, of course, is if the view is that a new transit 30 line both adds value to existing property and adds capacity and opportunity for new 31 development – and if we're interested in having a special assessment to pay for the transit line to recapture some of the new economic value -- we also have to allow some 32 of that economic activity. We can't at the same time say, "We don't want the economic 33 34 activity, but we're going to tax it." We have to allow it before we tax it. So I'm interested 35 in it, but we have to then have it happen. 36 37 Council President Praisner, 38 Well, that's part of the conversation that we'll continue to have. 39 40 Councilmember Leventhal, 41 I just wanted to make that point. 42



1 Okay.

2 3

- Councilmember Leventhal.
- And then the final point is, I'm very glad that the Montgomery County Chamber of 4
- 5 Commerce is here represented in the audience. I thought it was terrific. And I know
- there is zero connection between the U.S. Chamber of Commerce and the Montgomery 6
- 7 County Chamber of Commerce; but I wanted to make this point anyway. There have
- 8 been a couple of really good things in the paper recently on this topic of infrastructure.
- 9 One was an outstanding Op-Ed written by Councilmember Nancy Floreen that I just
- want to commend to everybody's attention. I thought it was really great. And the other 10
- one was an Op-Ed by Tom Donohue, the President of the U.S. Chamber of Commerce 11
- 12 - which the U.S. Chamber of Commerce for many, many years advocated reductions in
- federal income taxes. And then there was a Letter to the Editor of the Washington Post 13
- 14 that pointed out the national business community is now in the place where we are
- 15 recognizing how we've paid the price. For years of rhetoric about tax cutting, we're not
- paying the bills. So you can put off these infrastructure obligations for a long, long time; 16
- but eventually the chickens come home to roost. And here we have one of the most 17
- anti-tax voices in the dialogue the U.S. Chamber of Commerce saying, "You've got 18
- 19 to raise taxes to fix infrastructure. We can't let the infrastructure crumble." On that point,
- 20 when we're talking about recordation taxes, when we're talking about Growth Policy,
- 21 when we're talking about whether it's gasoline tax or whatever else, we need to have
- 22 engagement from the local business community that understands that we've got to have 23 the infrastructure. We're not going to do this – and I'm done now –
- 24
- Council President Praisner, 26 I hope so.

27 28

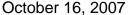
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- Councilmember Leventhal.
- -- without having the revenue.

29 30

- 31 Council President Praisner,
- 32 I'm going to let the lights that are on – since they're all folks who have spoken already – 33 have a chance at five/ten seconds of comments. We're not going to go longer than that
- 34 with this group because we have plenty of time to interact with them in the future. And
- we can go round and round; and we'll be back here at 1:30 for a public hearing, and 35
- 36 we'll be meeting ourselves. So you have fifteen/twenty seconds of comments each.
- 37 Councilmember Andrews.

- 39 Councilmember Andrews,
- 40 Thanks. One of your goals is to reduce the amount paid by nonresidential owners –
- 41 residential properties. You show that the amount went from 21% to 16% -- paid by
- 42 nonresidential users; and you want to see that trend go back up, right? If you look at
- 43 page 16, you have a chart that shows where the money comes and the percent --





1 residential percent/nonresidential. The Energy Tax produces the greatest percent that comes from nonresidential users; 721/2% are nonresidential. But I didn't see any 3 discussion about the Energy Tax. You talk about the Gas Tax, but that's not what our Energy Tax applies to. For the Gas Tax and the Sales Tax on Gas and the vehicle 4 5 titling, we'd have to go to the State. So was there any discussion about the Energy Tax 6 as a way to increase the share paid by the nonresidential sector – which you cite as one 7 of your goals? 8 9 Dale Susan Rosenthal, 10 I don't believe we focused on that really as an option. 11 12 13 Joseph Mason, 14 When we looked at the revenues generally, we viewed that as sort of a true, general 15 revenue; and our focus was really on -

16

17 Dale Susan Rosenthal,

18 Infrastructure.

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20 Joseph Mason,

-- what sorts of taxes could be dedicated directly to – and "dedicated" being the
 operative word – as you sit and make your deliberations and how to carve up some –
 any incremental revenue, our view is that those resources be dedicated to the purposes
 outlined in our report.

25

27

26 Chad Edison,

Councilmember Andrews, the Commuter Parking Tax is one that would have had an impact more on the nonresidential side of the equation.

28 29

30 Councilmember Andrews,

31 Mm-hmm. Right. Okay.

32

33 Council President Praisner,

34 Councilmember Berliner.

35

36 Councilmember Berliner.

- 37 I was struck on page 9 of your report -- when you were talking about maintaining our
- 38 Triple A Rating, you observed that the County limits its debt service cost to 10% of
- 39 General Fund revenues; and then, "The County is currently below that level of debt in
- 40 FY-08." Is your implicit suggestion that the County be more aggressive than it's been
- with respect to the use of its debt capacity?

42 43

Dale Susan Rosenthal,



I think we began the conversation thinking that we wanted to maximize the use of that GO debt, since it's generally acknowledged to be the least expensive form of debt. Over the course of our deliberations, the Council in fact adopted a measure to move up to that 10%. So really, we were endorsing moving to the 10%; I believe it's just about at that now.

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Councilmember Berliner,

8 Thank you.

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- 10 Council President Praisner,
- 11 Councilmember Elrich.

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- Councilmember Elrich,
- I just wanted to reassure George that I understand perfectly well that if I'm going to fund transportation with an infrastructure tax, something's going to have to be built or economic activity is going to have to occur in order to make that possible. I just think there needs to be a link between the two.

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- Council President Praisner,
- 20 Councilmember Floreen.

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Councilmember Floreen,

Well, as our conversation reflects, this is a very timely issue; and so all the more reason why your report is so welcome. And I think the mood of the locals of the State and of the national government and the community at large is very interested and is beginning to be more accepting of these initiatives than may have been the case previously. Mr. Edison, you referred to something that caught my ear; which was someplace you said that they'd used vehicle registration fees as a bonding resource for other infrastructure. I guess I'd ask staff to work with Mr. Edison to find out what else is out there as mechanisms for bonding authority. That's been an issue that we've struggled with over the past few years, and I think it is an important element of how we look to: (a) satisfy our Triple A requirements while at the same time looking for ways to bond authority. It's an issue with the Washington Suburban Sanitary Commission. They took it up with us the other day as to a proposal for funding their infrastructure needs that does not impinge on the County's bonding authority. So that's where certainly the public/private partnerships come into play as well. But any mechanism that can be looked at that satisfies the bonding agencies' concerns and our own County conservatism on the subject, I think is a welcome avenue for further resource. So that's something I'd ask that we look into a little bit more, Jeff. I'd just say I would hope that – I know that the MFP Committee will look into this in great detail. I am hopeful that this will inform our decision making, as we think about ways to move forward to address our most pressing needs. And I'm hopeful that we can move forward on as many of these initiatives as

humanly possible, because I think the time is right. So thank you; thank you; thank you.



Council President Praisner, Councilmember Trachtenbeg.

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11 12 Councilmember Trachtenberg,

Just a quick remark to colleagues -- which is, as the Council President has indicated, we will be taking the report up within committee; and I would suspect that isn't going to happen until November – maybe December -- given that our October schedule is pretty much jam packed. But what I'm going to suggest to colleagues is I'll circulate a memo asking for comments, because I think there are several areas to go in conversation that really go beyond the recommendations that were made in the report itself. And so that will give councilmembers an opportunity, I think, to help frame part of the discussion we're going to have.

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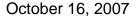
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Council President Praisner,

Good. I appreciate the fact that all of you – or at least Joe – has indicated that he's available. And I suspect that as I said, we have your zip codes, e-mails, addresses, phone numbers. We know where you are, and we can find you. As I also indicated, to the extent you're talking about more authority – especially as it relates to the State level I think Bill's made the point about the way the states have jealously guarded authority that they deem exclusively theirs. And there are examples in this country of other states where those authorities are shared. That doesn't necessarily mean that the state you're living in is going to be receptive to it. But to the extent we're talking about authority and enabling legislation -- having folks who continue to make those recommendations and task forces who have made those recommendations in the past -- it would be helpful to be able to call on you and also to share the report. I think what I'd like to do, Jeff, is to get copies of the report that we would put a cover letter on and send to members of our delegation that would alert them to some things that they might be interested in that we're looking at. I think that would be helpful. And then through us, they can contact members of the task force if they have additional questions. Clearly there are issues that we're already familiar with -- like the 10% limit, which we've maxed out, as one of the indicators that are used and that folks like Fitch and Moody's and S&P have prepared significant documents to guide local governments as to what are the things they look at. It's always - you'll know it when you see it. But there are indicators and there are measures, and the 10% relationship to the Operating Budget is one of those measures. And clearly the Recordation Tax and some of these other issues – like the public/private partnership – are things that we've done. I really appreciate the point you made, Joe, about our being perhaps ad hoc about that and having to be more focused, aggressive, and proactive about some of these issues. That's what I take from your comments. And Mr. Edison – Chad, if I may – the comments about exploring some of the other initiatives that other folks have used, whether they're private/public partnerships or some of the leveraging that you've talked about. Those are the things that I think we want to continue to explore, while maintaining the kind of status that we





1 have as a Triple-Bond-rated community and one that is fiscally prudent as it approaches some of these approaches. We don't want to have the kind of bonds that aren't worth 3 anything or that you can wallpaper your bathroom with on a good day. So I want to thank you for your involvement. We do have some certificates of appreciation that I'd 4 5 like to give to you and ask our staff to convey those to members who were not able to 6 join us. But we will continue to work with you on that. And if before we adjourn I can do 7 that, I'd like to do so.

8

9 Joseph Mason, Madame President? 10

11

- 12 Council President Praisner.
- Starting with you, Dale. This is a certificate of recognition and appreciation for your 13
- 14 commitment and dedication as Chair of the Working Group on Infrastructure Financing
- 15 for County Government Facilities.

16

- 17 Dale Susan Rosenthal,
- 18 Thank you so much.

19

- 20 Council President Praisner,
- 21 Thank you so much. [Applause]

22

- 23 Joseph Mason,
- 24 Madame President, may I say that the Council's wisdom in choosing Dale as Chairman
- was tremendous. There's the old expression about herding cats, and I think that's apt 25
- 26 here.

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- 28 Dale Susan Rosenthal.
- 29 Thank you. Very smart cats. Very smart cats.

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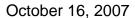
- 31 Council President Praisner,
- 32 But obviously there was some judgment in having all of you participate. So, Joseph
- 33 Mason – Joe, thank you so much. [Applause]

34

- 35 Joseph Mason,
- Thank you. 36

37

- 38 Council President Praisner,
- 39 Let's see. I have William Hudnut. Thank you so much. [Applause] Chad Edison, thank
- 40 you so much. [Applause] And Arthur Spengler – so official. Thank you. [Applause] And
- we do have certificates for the others Mr. Dunphy and Mr. Eisig who couldn't join us 41
- 42 today.



34

Council President Praisner,

Sure. Duly noted. We are adjourned until 1:30 p.m.



1 William Hudnut, 2 I'll take his -- I'll take Dunphy's. 3 4 Council President Praisner, 5 And I also want to take a moment to thank the non-voting members – Roselle and Jeff 6 and Jennifer Barrett – for their participation and involvement. Obviously whenever we 7 create a task force or a working group, there's a lot of staff support and expectations. 8 And I think they served us very well as well. 9 10 Dale Susan Rosenthal, Outstanding. 11 12 13 Council President Praisner, 14 Thank you very much. Thank you all. [Applause] 15 16 Councilmember Leventhal, Madame President, I have a point of personal privilege – just a point of personal 17 18 privilege before we adjourn. 19 20 Council President Praisner, 21 Sure. 22 23 Councilmember Leventhal. 24 I just please want to be recorded in the affirmative. I took a phone call during the Resolution extending the time for the Hearing Examiner's Report – 25 26 27 Council President Praisner, 28 Oh. fine. 29 30 Councilmember Leventhal, 31 If I could just be recorded in the affirmative on that. 32



TRANSCRIPT October 16, 2007

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Marilyn J. Praisner, President Councilmember Michael Knapp, Vice President

Councilmember Phil Andrews
Councilmember Marc Elrich
Councilmember Nancy Floreen

Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal

Councilmember Duchy Trachtenberg



- 1 President Praisner,
- 2 This is a public hearing on Zoning Text Amendment 7-13, which would amend the
- 3 Zoning Ordinance to allow planned development zones on certain commercially zoned
- 4 sites in or adjoining a central business district; provide a standard for commercial
- 5 density and PD zones -- planned development zones; remove the requirement in the
- 6 planned development zones that development inter-joining a central business district
- 7 must comply with the use recommended in a master of sector plan; and generally
- 8 amend PD zones. Persons wishing to submit additional comments should do so by the
- 9 end of business October 19¹ 2007, so that your views can be included in the material
- which staff will consider for Council consideration. I think the PHED committee work
- session when this was prepared was scheduled for October 29th, but given the special
- session may be modified. So please call (240)777-7900 to confirm when this item will
- be scheduled. First two speakers are Rob Klein for the County Executive, and Linna
- Barnes for the Town of Chevy Chase. Planning Board is not testifying on this yet?
- 15
- 16 Dr. Hanson,
- We can testify. We haven't been able to get the letter to you because I haven't been at
- the office to sign it for two days.
- 19
- 20 President Praisner,
- 21 Okay. Well if you want to --.
- 22
- 23 Unidentified.
- 24 [Inaudible] something else.
- 25
- 26 President Praisner,
- 27 If you want to join us at the table as the third person, Royce, that would be great. Mr.
- 28 Kline you're first.
- 29
- 30 Mr. Klein,
- 31 Council President Praisner and members of the County Council, my name is Rob Klein.
- 32 I am Director of the Wheaton Redevelopment Program. I'm here to provide testimony
- regarding Zoning Text Amendment 7-13 on behalf of the County Executive. Proposed
- 34 Zoning Text Amendment 7-13 will modify Chapter 59 to permit the planned
- development zone to apply in limited areas zoned for commercial use within or adjacent
- 36 to central business districts. While the commercial zones to which this would apply
- allows some residential use, the effected zones do not allow the type of residential
- development that you would find in mixed-use development of the nature that we want
- 39 to see in and adjacent to our central business districts. Realistically mixed-use
- 40 development is important to both the ability to realize more affordable housing and to
- 41 implement -- an implementation of smart growth precepts, concentrations of
- 42 development in and around our CBD's projects our -- protects our less intensely zoned
- areas and capitalizes on existing infrastructure. The type of mix-use development that is



1 contemplated by Zoning Text Amendment 7-13 is necessary to enliven our Wheaton 2 Urban District by bringing residential and other uses to the area. In contrast, in the 3 Wheaton area, the justification for current commercial zoning classification addressed by Zoning Text Amendment 7-13 goes back almost 30 years to language in the 1978 4 5 sector plan. It was meant for a very different kind of Wheaton. While Zoning Text 6 Amendment 7-13 will have operability in all county central business districts, it is limited 7 in scope. It does not permit increased density or an increase in building height. Only 8 through range of uses expanded to include residences. A newer project could not be 9 larger or taller than what is current permitted, and compatibility with surrounding land uses must be met. Re-designation to include a planned development zone onto a 10 commercially zoned area must still proceed through normal county developmental 11 processes. Zoning Text Amendment 7-13 opens the door to smart growth projects. It 12 does not guarantee project approval. Further, it will allow Wheaton to benefit from the 13 14 development it has so long awaited and needs. The Zoning Text Amendment is firmly 15 supported by the Wheaton Urban District Citizen Advisory Committee, the Wheaton Urban Citizen Advisory Redevelopment Committee, and the Mid County Citizen 16 Advisory Board. These committees are here this afternoon or have provided letters of 17 18 support for this legislation, and in turn to support a more vibrant and active community 19 with the true mix of residence, businesses, office workers, entertainment venues, and 20 other features that make a real downtown experience. Thank you for your consideration.

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President Praisner,

Thank you. Linna Barnes.

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Ms. Barnes,

Good afternoon. I'm Linna Barnes and I'm the Mayor of town of Chevy Chase. And I'm today also to speak to you about ZTA 7-13. And I have to say you have my testimony in front of me, and this is somewhat of a moving target that changes. I know that our attorney has been talking extensively with your staff, and so we know changes are going to be occurring. And really just want to make two points that are in line with the letter, which was sent to Council President Praisner last week. First of all, we want the legislation -- the ZTA to be drafted very carefully so that it doesn't overlap in areas where it was not intended. I think there are C2 areas that adjoin the town that we are concerned about and we want to make certain it doesn't apply there. Just speaking with Mr. Humphrey, I think there may well now be CO districts along Pearl Street because of the issue of adjoining the CBD, which has been added to the language. And so there are Pearl streets which back to -- Pearl Street and Montgomery Avenue back to the trail. And there might be a lot there that this might affect. We really want to be aware of what is happening and be in the process in talking to everyone. Secondly, we do want to state the town has -- really does support the sector plan idea that has developed in Montgomery County, and indeed the Bethesda sector plan. And we really want to see these plans adhered to. They were really put together with a lot of work from a lot of people, and with citizen input in everything, and that's really certainly our preferred way



in which zoning will occur in the County. And finally, I'm here to urge you, as I'm sure you're all aware, to really get to the job of the zoning ordinance rewriting. I know the Planning Board that's high on their list, but I hope it's high on everyone's list because the zoning really is very difficult for anyone to work with in this county. And so I know that that is high on your list and on the Planning Board's list. And I hope it gets done soon. So all that said, thank you very much for hearing me today. I appreciate the opportunity.

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9 President Praisner,

10 Thank you. Dr. Hanson.

11

- 12 Dr. Hanson,
- Thank you, Madam President. The Planning Board will have a letter for your file and the 13 14 staff report along with it. The board divided 2-2-1 on this; therefore leaving the staff 15 report -- the operative document. The two who voted in favor of the amendment felt that it was an attractive idea and seemed to be appropriate for Wheaton area. And the two 16 us who voted against it basically had three reasons. One, the plan development zone is 17 18 a floating zone. From its inception it has been applied where recommended by master 19 plans. This text amendment, like others that we have been concerned about, is 20 essentially master planning by text amendment, and did not seem to us to be the 21 appropriate way to go about it. The third reason was that it establishes a basic conflict 22 with the subdivision regulations. By removing the requirement that the zoning for this --23 under this plan development could occur notwithstanding that it was not recommended 24 by a master plan, will allow the Council as District Council to approve the rezoning. But

when the applicant comes forward with a subdivision regulation, the first requirement in

the subdivision regulations is that it must substantially conform to the master plan. So

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President Praisner,

not the best of all possible ordinances.

Thank you, Dr. Hanson, for highlighting some of the challenges of both our zoning ordinance and ZTA ways of rewriting our zoning ordinances.

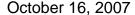
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- 33 Dr. Hanson,
- Well as you can see it was -- it was an easy decision for the board.

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- 36 President Praisner.
- I appreciate it. There are a series of lights, and so I'm going call on my colleagues. And
- then I have some comments about some issues related as well. Councilmember
- 39 Berliner.

- 41 Councilmember Berliner,
- 42 You -- Mr. Klein, you made some reference to how long it had since Wheaton sector
- plan had been revised; could you -- I missed the number. When was that?





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Mr. Klein,

The last revision was 1990. Okay, and what I refer to in the testimony was 1978 where text was taken verbatim regarding the commercial zone.

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- 6 Councilmember Berliner,
- 7 So Wheaton is currently operating, if you will, with respect to these set of issues from a 8 1978 -- .

9

- 10 Mr. Klein,
- 11 In terms of the commercial zoning.

12

- 13 Councilmember Berliner.
- 14 In terms of commercial zoning. And I don't if it's possible and so I'll ask Dr. Hanson; as I
- 15 appreciate a part of your frustration is the fact that it hasn't been update more recently.
- And I know Dr. Hanson has incredible workload that we add to on an hourly basis. My 16
- question is it seems as if the part of the desire to move in this irregular manner is that 17
- 18 the regular manner isn't working either.

19

- 20 Dr. Hanson,
- 21 That's correct. It has been a long time since we've taken a look at that plan; it is on our
- 22 schedule. But it is not on the schedule in the immediate future. Now one of the things
- 23 that we may want to talk about later this afternoon, and one that I have recommended to
- 24 you in the budget letter, is that we begin to establish a small group within the staff that
- 25 can address master plan issues where we have a problem that needs to be addressed
- that maybe deals with a site or maybe two or three properties where the master plan 26
- when originally drafted didn't contemplate any change in those properties over a long 27
- 28 period of time and now it seems for many good reasons that change is appropriate. But
- 29 that might -- it doesn't help in this immediate instance probably unless you amend our
- 30 work program right away.

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- 32 Councilmember Berliner,
- 33 I guess my bottom-line question is if you had -- when would be the earliest that you're 34 currently contemplating getting to updating that?

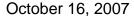
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- 36 President Praisner.
- 37 December 2009.

38

- 39 Councilmember Berliner,
- 40 December 2009 is when.

- 42 President Praisner,
- 43 Right. It's on our work plan -- it's on their work plan with that date.





1 2 Dr. Hanson, 3 Yeah, basically we would expect -- . 4

5 President Praisner,

6 2009 -- December.

7

8 Dr. Hanson.

9 Where are we? Down here. Yeah, we would expect it to -- April 2009 basically.

10

President Praisner. 11

12 Yeah, we're delaying Kensington in order to accelerate Wheaton.

13

14 Councilmember Berliner,

15 Thank you, Mrs. Chairman.

16

17 Dr. Hanson,

18 The idea of the small amendment approach is that you could take things out of turn. So 19 you could move on something before going through the whole master or sector plan 20 process.

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22 President Praisner,

> Well, I don't want to have this be a work session with the planning board about their work plan, et cetera. And we will have a more in-depth conversation about the master plan process, et cetera. Let's try and focus questions towards the folks who are here to testifying. And we have two more groups to come up on this Zoning Text Amendment. Councilmember -- Vice President Knapp.

27 28

Vice President Knapp, 29

30 [Inaudible]

31

32 President Praisner,

33 Okay, Councilmember Floreen.

34

35 Councilmember Floreen,

Thanks. Technical question, Mr. Kline and Jeff if you take a look at the language. I don't 36

37 even know how this achieves what you intend it to achieve. Under lines 10 through 12

of the language it says you can't use this unless it's in a commercial property that 38

39 recommends a residential density. So maybe I'm -- maybe I'm just tired from this

40 morning, but I think -- I don't think that this is consistent with your fundamental intent. I

41 take a special interest in this because I think I precipitated this because we had a

42 zoning case a while back where I was the one that pointed out you can't use PD zoning

43 unless it's recommended for residential in the master plan. And so from what I gather, I



1 stopped a variety of applications proceeding. And I think it's important for us to be 2 honest about what we're doing and to be straight forward about it; and I'm glad we're 3 looking at this issue now. But do I think -- I am a little puzzled by the Planning Board prospective on this, and that you're divided is evidence of the fact that there is some 4 5 different views. The real issue -- if -- and so I'd ask the Planning Board just to think 6 about this; if you are working on mixed-use kinds of concepts throughout the County all 7 we hear from you is talk about commercial uses and mixed residential ya-de-da-de-da 8 (sic). And I don't know why this would not be a platform to test it out on. I know from 9 communities like Chevy Chase, this is the matter of some concern. But in any event what this provides for is limits on density as well. Which I think is what the neighborhood 10 concern is, and works in community engagement at the appropriate times and levels. 11 12 So I would urge people to give some thought to this. If we're going to wait for a master plan, we'll be talking with the Planning Board later about their work program. But I think 13 14 it's at least worth thinking about how we achieve this and with the appropriate kinds of 15 community engagement and move housing initiatives, which are on many peoples' minds forward. And so I obviously have some feelings about this. But I do think perhaps 16 there's a need for some further community engagement on this subject. But 17

nonetheless. I would say given what we understand from the Planning Board's thinking.

19 20

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21 Ms. Barnes,

22 But perhaps with more community involvement.

23 24

Councilmember Floreen.

Yeah. And so make that observation and ask you all to give this some thought as we work through.

Linna, you're going to see this in one form or the other. And I think -- .

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President Praisner,

29 Councilmember Elrich.

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33 34

31 Councilmember Elrich,

I was just going to add that I'm very interested in what you all are interested in bring forward as an alternative process. I don't like the idea of doing this via ZTA. I do want a process that maximizes community involvement. And so I'm interested in proposals you're all going to bring to us.

35 36 37

President Praisner,

- And I just want to comment that whenever we get a ZTA that is crafted with some
- 39 specific area in mind, I'm always anxious to know what the implications are throughout
- 40 the County and therefore I hope for whenever the committee the discussion is that we
- 41 have that in front of us. Second, I have a little concern because when we did some
- 42 modifications in Wheaton relatively recently, then Councilmember Perez and I, when the
- community raised concerns, made a general commitment that we were looking at this at



1 the previous action as a placeholder until the master plan amendment came forward. So 2 although folks in the community may be enthusiastic about this for a specific site, I am a 3 little concerned about the fact that we're not doing what we said we would do by having the broader review of the Wheaton central business area, which is, in my view, long 4 5 overdue. So I hope we'll have that conversation as well. And the third comment I would 6 make is that the Council has been pushing through the PHED Committee for a 7 modification to the master plan process that allows you to look at more than one parcel, 8 but less than maybe a bread box but not the kitchen, and to give us a mechanism of 9 doing that in a much more abbreviated fashion than the 18 months to 3 years that's been associated with the master plans, especially whether it's the sector plan, a master 10 plan, it seems to take that amount of time no matter what size area we're talking about. 11 12 Finally, there have been comments about that this is not intended to increase density but just to allow the shape -- and not even really to change the shape but to change the 13 use. I don't think that's clear in the language in front of us. I think the references to the --14 15 in section 121B and in 714F, those areas are not clear enough. And I would ask staff to look -- I have a couple of thoughts as have others who have worked on this issue. But 16 do I think it raises some questions of Planning Board staff I think we have raised as 17 18 well. So thank you all very much. We'll call the next group. David Fraser-Hidalgo for the Wheaton Urban District Advisory Committee, Matt Schmidt for Wheaton Redevelopment 19 Advisory Committee, Harold Weinberg for Miles Realty, Jim Humphrey for Montgomery 20 21 County Civic Fed, and Jody Kline as an individual. And the Wheaton Urban District Advisory Committee is first. Do we have everybody here? Yes. Okay. David. Push the 22 23 button in front of you, please. Thank you.

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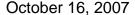
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Mr. Fraser-Hidalgo,

I wanted to say thank you very much for allowing me to come and speak to everyone. As you said, my name is David Fraser-Hidalgo, I'm with Wheaton Urban District Advisory Committee. We in a nutshell are very much in favor of this plan for the basic reasons that we already have talked about. The sector plan hasn't been updated since 1990, and the thought of waiting another two or three years for it to be updated for a project like this to move forward is just discouraging for Wheaton because we feel that Wheaton has waited a long time, and it's -- we're in throws of redevelopment now, and this is a big project for us to help move Wheaton forward and help redevelop Wheaton. This is a smart growth policy moving forward, and it also frees up a great parcel of land in Wheaton at the corner of Wheaton and Georgia Avenue for further development -further redevelopment of Wheaton. So for us the idea of a great project like this going away because we are unable to adapt and make some changes is just difficult for the community, the residents and the business owners of Wheaton to deal with. Just having to wait another two or three years and then start a process all over again when this process is basically ready to go now. So at our last meeting we voted unanimously with one abstention in favor of this Zoning Text Amendment. And that is our position. We strongly encourage to you move forward with it. Thank you.





1 President Praisner,

2 Thank you. Mr. Schmidt.

3 4

- Mr. Schmidt,
- 5 Good afternoon, Madam President and members of the County Council. My name is
- 6 Matt Schmidt. I'm the acting chair for the Wheaton Redevelopment Advisory Committee.
- 7 And I'm providing testimony on behalf of the committee in support of Zoning Text
- 8 Amendment 7-13. Although not envisioned by the current sector plan this legislation
- 9 allows for a type of development this committee and much of the Wheaton community
- desires for Wheaton -- mixed-use projects. This combination of having more people
- living in and around the core downtown business area helps pave the way not only for
- 12 future development but also provides more foot traffic for the existing businesses that
- are so important to the economic culture of Wheaton. Mixed-use projects, which the text
- amendment would allow, are a part of a vision developed by the community's key
- stakeholders with the assistance of the National Main Street Center, the County and
- Park and Planning itself. Our committee has extensively reviewed this proposed
- legislation. In particular, we have examined how proposal promotes the goal of a
- Wheaton redevelopment. We believe this legislation represents an important step
- 19 forward in the redevelopment of Wheaton bringing mixed-use to the urban core and
- 20 providing opportunities for additional transit-oriented development. The committee
- 21 agrees ultimately longer term prospects for Wheaton will be better served by the urgent
- completion of a new sector plan. In the interim however, this text amendment can
- enable mixed-use development the [inaudible] Bay project for example, to being in
- Wheaton immediately. This residential-retail project within walking distance of Metro is a
- wonderful example of some of the changes that Wheaton needs. Furthermore, it can
- provide the impetus for the potential development of additional transit-oriented
- development such as the existing Safeway supermarket site, which sits across the
- street from Metro. In conclusion, the committee believes that Wheaton must change in
- order to survive and grow. The Wheaton Redevelopment Advisory Committee strongly
- 30 supports enactment of this text amendment as a critical step towards Wheaton's future
- 31 development. Thank you.

32 33

- President Praisner,
- 34 Thank you very much. Mr. Weinberg.

- 36 Mr. Weinberg.
- 37 Good afternoon. My name is Harold Weinberg and my family owns the property located
- on 2401 Blue Ridge Avenue in Wheaton, Maryland. We have about 5500 square feet of
- 39 land with an existing four-story office building on that land. We've operated our
- 40 business, Miles Realty Company, from this location for more than 40 years and we have
- 41 15 business tenants in our building. Our building will be surrounded on three sides by
- 42 the development in the planned unit PD zone if this Zoning Text Amendment is adopted,
- and we and our tenants will be profoundly impacted. I oppose the text amendment both



- as introduced and with the amendments recommended by the Planning Board staff.
- 2 First, my property is surrounded by the proposed Avalon Bay Project on three sides.
- 3 The only property line adjacent to the project is the road frontage along Blue Ridge
- 4 Avenue. There has been no opportunity for consideration in the master plan as to how a
- 5 PD zone might affect our property from the perspective of compatibility, traffic,
- 6 circulation, parking or building height. The current master plan does not consider how a
- 7 PD development will affect the broader community with respect to roads, schools, public
- 8 amenities or open space. Secondly, from talking with Park and Planning, I'm of the
- 9 understanding that the Wheaton Sector Plan would be under review early next year.
- 10 Under current law the County Council cannot rezone to a PD zone unless
- recommended in the master plan. The proposed amendment removes that requirement.
- 12 It is bad planning to sidestep a master plan process through a Zoning Text Amendment
- especially when the master plan would be reviewed in the very near future. Thirdly,
- there are a number of communities now affected by this text amendment who had no
- 15 notice that their neighborhoods potentially would be substantially rezoned, including
- Silver Spring, Bethesda, Chevy Chase. Those communities, like Wheaton, went through
- extensive and deliberate master planning efforts and the master plans adopted by this
- 18 Council should not be materially changed through a Zoning Text Amendment without
- input from those stakeholders. Fourth, and last, the PD zone requires a rezoning
- 20 approval from the Council. Because the master plan has not considered the Wheaton
- site for PD use, there are no master plan recommendations for overall density,
- compatibility with adjoining uses, the location of uses within the PD application itself, or
- the location of public uses such as open spaces or street dedication. This makes any
- decision on a rezoning highly subjective and, in my opinion, bad planning. For all the
- reasons given, please vote against this Zoning Text Amendment. Thank you.

26

27 President Praisner,

28 Thank you very much. Mr. Humphrey.

29 30

Mr. Humphrey,

- 31 Good afternoon. I'm Jim Humphrey representing the Montgomery County Civic
- 32 Federation as Chair of the Planning and Land Use Committee, and the federation's
- 33 Executive Committee at its September meeting and the full delegate assembly at our
- October meeting voted unanimously to oppose passage of this legislation. We have a
- 34 October meeting voted unanimously to oppose passage of this registation. We have a
- position of record to in opposing master plan by ZTA. Because of -- in part because of
- 36 the unintended consequences of such actions when one tries to amend building
- 37 standards to allow a specific project to go forward, in this case the Avalon Bay Project
- on Georgia, Blue Ridge and Wheaton, one has to include other properties or one risks a
- 39 judicial challenge as being spot zoning. In this case planning staff realized that it applied
- 40 to property C2 zoned properties that they did not intend it or didn't consider it advisable
- 41 to apply it to in Bethesda and Wheaton, and so their recommendation is to strike the C2
- 42 zone qualifier. However at that point it only left the Avalon Bay property as qualifying.
- 43 So they had to add other -- another qualifier to add other properties that this could apply



1 to as a class to withstand judicial review. That's when the word confronting, which Ms. 2 Barnes -- Mayor Barnes meant to say and not adjoining; adjoining is there -- confronting 3 a central business district was added. And because of that now the Planning staff recommendation would apply the ZTA to an additional property in Wheaton, three new 4 5 properties in Bethesda, and three new properties in Silver Spring. Those zoners have 6 no idea that a change in their building standards is being considered right now. We 7 have a problem also with the density language because as is introduced it allows the 8 highest density recommended in the master plan, of course in Wheaton and Bethesda 9 that's CBD3, which is an 8FAR gets you up to 173 feet; what was meant was the highest density recommended for the property in the applicable master plan. But that's a 10 part of the unintended negative consequences of writing these things on the fly to apply 11 12 to specific projects. We also believe that this is a fourth way of doing zoning in the state of Maryland. In Maryland you do zoning [inaudible] recommendation in the master plan 13 14 or through change in the state. Showing a change that has occurred in neighborhood 15 that justifies application of a different zone than that recommended in the master plan or by showing a mistake was made in the application of the original zoning. This is the 16 fourth way of doing zoning. Recommending it in the master plan and then in the zoning 17 18 ordinance allowing another different zone category to be applied to a property. This is a 19 hybrid we've never seen before. And finally, as Chairman Hanson pointed out in the 20 discussion before the Planning Board, they believe that the language that dismisses 21 compliances with the master plan when the preliminary plan for this project comes back to them, as Chairman Lynch said, it constitutes an nullity. I believe Chairman Hanson's 22 23 exact words were, I don't know about that, but it's at least an ambiguous situation that 24 the board would be confronted with having to find compliance with the master plan that provides no language for PD use, a preliminary plan and being able to dismiss it during 25 a rezoning. I think that pretty much sums up the problems we have with it, but you can 26 27 see the slippery slope that these ZTA's that accomplish master planning send us down. 28 Thank you.

29 30

President Praisner,

Thank you, Mr. Humphrey. Jody Kline.

31 32 33

34

Mr. Kline.

Good afternoon. Jody Kline, Attorney with the law firm Miller, Miller and Camby

[inaudible] 200B Monroe Street in Rockville. Why are we here? Well, Ms. Floreen

36 actually put it in the proper historical context because your resolution last year in zoning

application G841 which was for a PD zone in the Shady Grove area, if you remember

that. You concluded that it was not appropriate to rezone the property, which was then

zoned C2. And the argument was because housing was permitted by special exception

in the C2 zone that would -- qualified it to apply for the PD zone at two units per acre.

41 Your conclusion was that the subject site is not recommended for commercial -- I'm

42 sorry, is recommended for commercial use and therefore is not eligible for

reclassification in the planned development zone. In other words there had to be either

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1 a PD recommendation or a residential recommendation in the master plan. This text 2 amendment suspends that requirement that you have to have that conformance with 3 those two. It does not however suspend the ability or the requirement that an applicant 4 still has to go ahead and demonstrate that you still meet the purposes and intent of the 5 master plan. Dr. Hanson asked me this question the other day; why isn't -- why are we 6 redoing the master plan through a text amendment. And obviously my answer was 7 inadequate but a virtue of the vote of the Planning Board. So when I had more of a 8 chance to think about it, I just -- your staff just handed you the purpose clause. That 9 comes right out of the PD zone. Those are the standards that the Hearing Examiner will 10 expect us to answer as we review the PD zoning application. And if I can draw your paragraph -- draw your attention to the third paragraph that the PD zone is intended to 11 12 implement the general plan, the area master plan and other pertinent County policies in a manner more closely akin to what we're doing today. What that language does is it 13 14 still says you have to meet the spirit of what's going on in Wheaton master plan, and it 15 allows you to pick up those things that you've added since 1978 and 1990 when the Wheaton master plan was done. I mean all the things -- I mean nobody even knew what 16 smart growth was in 1990. Nobody knew that we were pressing housing in close 17 18 proximity to the Metro station, or mixed-use the -- benefits of mixed-use development. 19 That language that is part of the proof of the applicant through the rezoning application 20 will basically require an applicant to demonstrate how you do satisfy the master plan or 21 the sector plan requirements. And all you have to do -- or all that is suspended is that 22 you have to show that it is recommended for that use. And then what you do is you go 23 into but we can satisfy it in all these other ways. I have answers to most of the other 24 questions but I can't get it all out in three minutes. But I would say this to Dr. Hanson's 25 last comment about with the conformance of the subdivision regulations; if the Planning Board's concerns were valid you essentially never be able to have a floating zone ever 26 get subdivided after the board approves it. And I will provide you the subdivision 27 28 regulations or sorry, the zoning [inaudible] regulation section that says when the Council 29 approves a rezoning contrary to master plan, it goes ahead and overrides what the 30 master plan recommendation was. Thank you.

31 32

President Praisner,

33 Thank you very much. Councilmember Floreen.

3435

Councilmember Floreen,

Thank you. Mr. Weinberg, you've got some feelings about this issue clearly. What's your property zoned?

38

39 Mr. Weinberg,

40 CO.

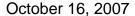
41 42

Councilmember Floreen,



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1 CO? And is it that you have a concern about residential activity adjacent to your 2 property? 3 4 Mr. Weinberg, 5 Concerned about the compatibility of [inaudible]. As the property owner I also have a 6 concern about Wheaton as a whole. And zoning through a Zoning Text Amendment 7 instead of a master plan is what that could lead to down the road [inaudible]. 8 9 Councilmember Floreen, It is a moving target. We're all guilty of that actually. So you have commercial prop --10 have you been -- had an opp -- has -- I don't actually know anything about this particular 11 12 project around you. Has it started going through some kind of approval process. 13 Apparently something. 14 15 Mr. Weinberg, [Inaudible]. 16 17 18 Councilmember Floreen, 19 Yeah. 20 21 Mr. Weinberg, 22 No they gave this zoning -- . 23 24 Councilmember Floreen. 25 So are you aware that you would have an ample opportunity to participate in the details of that? 26 27 28 Jeff Zyontz. 29 I think [inaudible]. If I may, there is a pending zoning application. 30 31 Councilmember Floreen, 32 Oh there is. Well okay, then I can't -- we can't talk about that. 33 34 President Praisner. 35 We need to be very careful. 36 37 Councilmember Floreen, 38 But there is a -- so there is a public hearing; has it occurred. 39 40 President Praisner, 41 Nancy, I think -- . 42 43 Councilmember Floreen,





1 We don't know. Okay. Well there is a process. Okay. So your issue is the uncertainty 2 that this creates for you? 3 4 Mr. Weinberg, 5 Yes, on several fronts; the huge development around my property and my window line; 6 a three-year construction project and the affect on parking that my tenants need. 7 8 Councilmember Floreen, 9 But I point out that could happen under any zoning category. 10 11 Mr. Weinberg, 12 It could. But I prefer to see it through a master plan amendment and sector plan amendment, not through something like this. 13 14 15 Councilmember Floreen, Okay. Thanks. 16 17 18 President Praisner. Councilmember Berliner. 19 20 21 Councilmember Berliner. 22 Mr. Fraser-Hidalgo; is that correct? 23 24 Mr. Fraser-Hidalgo, 25 Yes. 26 27 Councilmember Berliner, 28 You made some reference that you were -- you alluded to this project going away if it 29 isn't act acted on now. Is it your understanding that if they had -- if this project had to 30 await the master plan process that it would, quote, go away? 31 32 Mr. Fraser-Hidalgo, 33 I don't know. I don't work for Avalon Bay, so I don't know exactly what their thought 34 process is. But I would suspect if they had to wait two to three years for this to come back around where they could actually undertake this project that there are so many 35 variables that would change in that period of time that a completely different formula 36 37 would be used to determine whether that is still a good financial business decision for 38 them. And I would suspect that there are so many variables between now and then that

39 40 41

Councilmember Berliner,

they'd be hard pressed to move forward.



I just think it's important to clarify what you do know in this moment is that they're prepared to go forward now, and what you don't know is the consequences of waiting.

And as you observed, there are a lot of variable that could go either way.

3 4 5

- Mr. Fraser-Hidalgo,
- 6 Exactly. And, you know, I don't know exactly what they're situation is as far as moving
- 7 forward. [Inaudible] at this minute is concerned, but as -- as things go -- as time -- as we
- 8 -- the further out we look, the less predictable things are. And, you know, Wheaton
- 9 needs to -- to move forward. And when I look at the -- the other land that this opens up
- 10 for -- Safeway moving from Georgia and Reedy, which is right next to the Metro, which
- is a beautiful, beautiful spot for, you know, smart growth as well, it just seems to make
- 12 sense.

13 14

- Councilmember Berliner,
- I do understand why people believe that the result of this would be a favorable result. I do understand that.

17

- 18 President Praisner.
- I want to caution any colleagues and everyone that we are not rezoning a parcel. We are looking at a zoning text amendment that might make a development possible, but if we're rezoning a parcel then we've leapfrogged a whole lot of other actions, and I would caution folks. Councilmember Elrich.

23 24

25

26

27

28 29

- Councilmember Elrich,
- I just wanted to share that concern. And the more this discussion goes on about approving something and assumptions about whether somebody else is going to build or not, it comes more and more like spot zoning, which is what we're not supposed to be doing. I'm very uncomfortable with this, and I'm uncomfortable with the notion of guns being held to our head that something's going to go away if we don't do something right away.

30 31

- 32 President Praisner,
- Okay, folks, that's the end of Group B; thank you all very much. We have two other speakers; Carol Petzol for Wheaton/Kensington Chamber of Commerce, and Ralph
- 35 Bennett for Quorum and Wilgus. Carol, you're first.

- 37 Ms. Petzol,
- Good afternoon. I'm Carol Petzol. I live at 14113 Chadwick Lane in Aspen Hill, and I am
- member of the Board of Directors of the Wheaton/Kensington Chamber of Commerce.
- 40 The chamber supports the Zoning Text Amendment 07-13. A committee studied the
- 41 amendment and the Board of Directors discussed and voted on our position and our
- recommendations. We support the principals of the master plan as well as the concept
- of mixed-use development as permitted in the proposal. Although we are aware that



development in Wheaton may be the impetus for this amendment, we want to be very

- 2 sure that if adopted the new law would be a very fair law for the entire County and not
- written specifically for Wheaton. It's important that the residential area around the
- 4 central business district be protected and that commercial development not flow beyond
- 5 the commercial zone. Section 59C 7.14, which caps the maximum density, is an
- 6 excellent provision that we strongly support. In Section 59C 7121, the proposed
- 7 amendment changes the word shows to recommends. For clarity, we suggest that
- 8 shows be changed to designates. There has been much discussion over the difference
- 9 in shows and recommends, resulting in the conclusion that neither is clear in the
- proposed new law. Finally, we recommend that the effective date be 30 days after
- adoption instead of 20 days. Twenty days is so brief that it appears to make the change
- an emergency for the Wheaton project and we do not believe that is necessary. Thank
- 13 you.

14

- 15 President Praisner,
- 16 Thank you very much. Mr. Bennett.

17

- 18 Mr. Bennett,
- 19 President Praisner, members of Council, my name is Ralph Bennett. I'm an architect
- with offices in Silver Spring, where I've lived for 30 years. I first want to associate myself
- with the comments from Ms. Barnes and suggest that Jody Kline's staggering familiarity
- with the zoning law may in itself be an argument for its simplification.

23

- 24 President Praisner.
- 25 I'm sure Jody appreciates that endorsement.

- 27 Mr. Bennett,
- 28 Thank you for giving me the opportunity to solicit your support for our suggested minor
- amendments to the amendment you're considering. I make this request as a
- 30 representative of a property owner in Montgomery County and as a long-time advocate
- for affordable housing. Barbara Goldberg Goldman, Richard Cohen and I have spoken
- with several of you about this suggestion over the past week. I've had several
- conversations with Jeff Zyontz, your land use attorney; he will of course offer his own
- comments to you. We believe that the changes in our amendment to the amendment
- would do the following. It would allow owners of adjacent land -- land adjacent to PD
- zones in a master plan or sector plan to have their properties considered under the
- 37 criteria applied to the master plan for sector plan area. That is considered not approved.
- In general, the properties would be considered for higher densities than other areas
- outside the master plan area; that's why there're master plan areas. Why is this a
- 40 reasonable thing to do? Master plan and sector plan area delineations are however
- 41 thoughtfully drawn arbitrary and susceptible to debate and change. Two; circumstances
- 42 are changing more rapidly than master plans. This text amendment would allow
- 43 flexibility in response to such change. Third, under our proposal, such properties could



1 only be considered under these conditions if the owner commits to providing at least 15 2 percent in PDU's -- two and one-half percent more than required; and 15 percent workforce housing -- I think five percent more than required; and retaining the 3 affordability for longer than the required control periods. We believe this small change in 4 5 the application of the master plan and sector plan rules can pay off generously in a 6 commodity the County so badly needs -- affordable housing. Thank you for listening. 8 President Praisner.

7

9 Thank you. Councilmember Leventhal.

10

- Councilmember Leventhal. 11
- 12 Carol, nice to see you always former Delegate Petzol. Ralph, nice to see you.
- Appreciate your long service on Housing Opportunities Commission and Advocacy for 13
- 14 affordable housing. I met and I know other Councilmembers did as well with Barbara
- 15 Goldberg-Goldman and with Mr. Cohen. I don't know, as you can hear from the
- discussion here, what is going to happen. I really don't know and I don't have a view on 16
- this right now on zoning text amendment 07-13. So I would encourage you to pursue 17
- 18 some backup planning if this ZTA doesn't become a vehicle for amendments at all. I
- don't know how the PHED Committee is going to treat this. 19

20

- 21 Mr. Bennett,
- 22 We certainly will.

23

- 24 Councilmember Leventhal.
- 25 This ZTA. In addition, in the meeting that I had it was expressed to me that the County
- Executive supports your goal. If that's true, under the ZTA procedures adopted by this 26
- 27 Council earlier this year, any ZTA requested by the County Executive automatically gets
- 28 introduced before the Council and goes to the screening committee and has, you know,
- 29 a whole procedure underway. So if in fact the County Executive -- did I misstate?

30

- 31 President Praisner,
- 32 It's not a committee, but it gets shared with staff who -- .

33

- 34 Councilmember Leventhal.
- 35 What's it called? Jeff, what's it called?

36

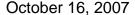
- 37 President Praisner,
- 38 It's not a [inaudible].

39

- 40 Mr. Zvontz,
- 41 Zoning Text Amendment Advisors.

42

43 Councilmember Leventhal,





The advisors. That's what you want. You want -- that's what you want. No, that's what you want, seriously, you want those advisors to look at it. So I just -- I would encourage you to sort of explore how this might work. But best of all is if you have the County Executive's backing; that makes a big difference around here.

Mr. Bennett,

As you know he's been out of the country. We understand that he's going to step up in the PHED Committee hearings on this matter.

- Councilmember Leventhal,
- 11 Good luck.

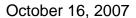
- President Praisner,
- Well I think the question though that Mr. Leventhal is addressing is whether this amendment, which goes beyond what the Zoning Text Amendment as introduced suggested is an appropriate amendment to this Zoning Text Amendment, and whether and that's why I think Mr. Leventhal is raising the question of maybe pursuit of this issue in multiple ways. And that's the point that I think. Because it speaks to density and
- issue in multiple ways. And that's the point that I think. Because it speaks to densi this Zoning Text Amendment is not intended to increase density. Councilmember

20 Berliner.

- Councilmember Berliner,
- I was among those that your group spoke with, with respect to this particular amendment, and I think at the time I shared my own personal view that I wasn't at that point in time comfortable with the underlying ZTA, and I was quite frankly concerned that the desire to amend that ZTA in the manner in which you describe ends up making this ZTA sort of a Christmas tree of ZTA's, so it compounds, from my perspective, the difficulty from a public policy perspective in assessing what process we ought to use for assessing the very valid objectives that you may have with respect to this. So I just wanted to share that with you publicly as well as to ask you because -- here you are people that are very committed to affordable housing; you've demonstrated that. But in the past it has certainly been suggested that in exchange for additional density for affordable housing that we often get precious few units for much greater density. When you describe the increases that you're prepared to offer, can you translate those into units so that I have an understanding as to how many units that you are complicating would be added by virtue of that additional density.

- Mr. Bennett.
- Well without risking discussion of a specific project, were you to build a thousand units this would produce 25 more MPDU's than the law would require. And it could produce fifty more workforce housing units out of 1,000 than it would otherwise produce.

Councilmember Berliner,





1 I appreciate that and look forward to your pursuing alternative ways of achieving your 2 objectives. 3 4 Mr. Bennett, 5 Thank you. 6 7 President Praisner, 8 Okay. I see no other lights. Thank you all very much. And let's move to the next public 9 hearing. Good afternoon, ladies and gentlemen. This is the public hearing on the Special Appropriations to the Montgomery County Public Schools FY08 Capital Budget 10 and Amendments to the FY07-12 Capital Improvements in the amount of \$300,000 for 11 12 school gymnasiums, Meadow Hall Elementary School, and \$620,000 for Planned Lifecycle Asset Replacement. An Education Committee work session is tentatively 13 14 scheduled for Monday, October 22, at 9:30 a.m. Persons wishing to submit additional 15 comments should do so by the close of business on Wednesday, October 17, so that your views can be included in the material which staff will prepare for Council 16 consideration. Before beginning your presentation please state your name and address 17 18 clearly for the record; spell any unusual names. There are no speakers for this hearing, so that hearing is closed. We will now move Legislative Session, day 31. Is there a 19 20 journal, Madam Clerk? 21 22 Council Clerk, 23 You have a journal of September 18th for approval. 24 25 President Praisner, Is. A motion? Councilmember Andrews. Is there a second? 26 27 28 Councilmember Ervin, 29 Second. 30 31 President Praisner, Councilmember Ervin. All in favor of approving the Legislative Journal for September 32 33 18th? Unanimous among those present. Roger, are you voting on the journal? 34 35 Councilmember Berliner, 36 Yes.

37

38 President Praisner.

- Okay. Thank you. We have one Bill for final reading that I would bring to the Council
- 40 from the PHED Committee. This is the approval of the lease extension for the Potomac
- 41 Horse Center sponsored by the Council President at the request of Park and Planning
- 42 Commission. The committee did have a discussion work session on this item. The Bill
- 43 approves an extension to the ground lease between Park and Planning Commission

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43

Council Clerk,

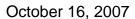
Mr. Andrews.



1 and the Potomac Horse Center for land known as the Maryland Horse Center. The request for the extension to the lease comes from both Park and Planning and PHC, 3 and it allows them and the County to take advantage of a cost-sharing program to 4 construct a manure storage facility, and that will allow Potomac Horse Center to recycle 5 all of its horse-related waste, reduce their dependence on chemical fertilizer, and 6 eliminate their dependence of waste haulers that contribute to truck traffic, et cetera. In 7 order to fund the -- and receive the cost-sharing, the lease has to be long enough to 8 allow them amortize the cost over the 15 years, and that's why we're amending the 9 lease. The committee unanimously supports approval of the legislation. I see no lights, and, Madam Clerk, please call the role. 10 11 12 Council Clerk, 13 Ms. Ervin. 14 15 Councilmember Ervin, 16 Yes. 17 18 Council Clerk. 19 Mr. Elrich. 20 21 Councilmember Elrich, 22 Yes. 23 24 Council Clerk. Ms. Floreen. 25 26 27 Councilmember Floreen, 28 Yes. 29 30 Council Clerk, 31 Ms. Trachtenberg. 32 33 Councilmember Trachtenberg, 34 Yes. 35 Council Clerk. 36 37 Mr. Leventhal. 38 39 Councilmember Leventhal, 40 Yes. 41

54

This transcript has been prepared from television closed captioning and is not certified for its form or content. Please note that errors and/or omissions may have occurred.



43



1 2 Councilmember Andrews, 3 Yes. 4 5 Council Clerk, 6 Mr. Berliner. 7 8 Councilmember Berliner, 9 Yes. 10 Council Clerk, 11 12 Mr. Knapp. 13 14 Vice President Knapp, 15 Yes. 16 Council Clerk, 17 18 Ms. Praisner. 19 20 President Praisner, 21 Yes. Bill passes unanimously. Thank you all very much. We'll move to the Semiannual Report. But as we do I want to call Vice President Knapp for a point of personal 22 23 privilege. 24 25 Vice President Knapp, Thank you, Madam President. I just wanted to be recorded in the affirmative for the 26 Consent Calendar this morning, and also in support of the confirmation of the County 27 28 Executive appointees to the Washington Suburban Sanitary Commission, Gene 29 Counihan and Adrienne Mandel. Thank you very much. 30 31 President Praisner, 32 With that then if members of the Planning Board who are here would join us at the table, and whatever staff, Royce, you would like to have join you, if there are seats. Okay. All 33 right. Mr. Robinson, Mr. Bryant, Ms. Wright, Ms. Bradford, and Dr. Hanson; I'm going 34 ask you before we begin and dim the lights for your presentation to introduce 35 yourselves. Allison, we'll start with you. 36 37 38 Mr. Allison, 39 Allison Bryant. 40 41 Mr. Robinson. 42 John Robinson.



1 Mr. Hanson.

- Royce Hanson. I just want to say that Commission Lynch is necessarily absent today.
- 3 He had a prior scheduled business appointment that he could not avoid, and I'm hoping 4

that Commission Carr might be here, but she may not be able to make it.

5

- 6 Ms. Wright,
- 7 Gwen Wright, Acting Director of Montgomery County Planning Department.

8

- 9 Ms. Bradford.
- 10 Mary Bradford, Director of Parks.

11

- 12 President Praisner,
- 13 I know we're running quite a bit late, but I want to give you the time that you have
- 14 obviously to make a presentation to us. I know my colleagues and I have been pouring
- 15 over your semiannual report. I want to compliment you on the quality of the presentation
- to begin with. And then let us let you make your presentation to us, so if we can dim the 16

17 lights.

18

- 19 Dr. Hanson,
- 20 Thank you, and I'll turn the presentation itself to the directors respectfully. First Gwen
- 21 Wright.

- 23 Ms. Wright,
- 24 Thank you. For the Planning Department, what we wanted to do was emphasize several
- departmental goals and priorities that we have. And although these seem somewhat 25
- simple and straightforward, I think that they are really our core mission, and we've been 26
- 27 working very hard to try to get us on track to meet these goals employing more
- 28 innovative approaches to master plans and zoning. And you'll be hearing about some
- 29 projects that relate to that. Quality products delivered on approved schedules. As I've
- 30 said before I'm very big on deadlines so we're trying very hard to hold to deadlines that
- 31 we've committed to. Improve rigor staff analyses and project reviews, and promoting
- 32 sustainable develop and design excellence. Those are two words that you've heard
- 33 probably frequently throughout the growth policy, but we do see them as really central
- 34 to our vision of the future for the County. We've had a number of items that you've
- received in the last six months; the Growth Policy recommendations, which are ongoing; 35
- 36 the Religious Institutions Survey; Centers and Boulevards a Final Report; Forest
- 37 Conservation Law revisions; and a Development Review Manual. We have a number of
- 38 products that you'll be -- and items that you're going to be seeing in the next six months
- 39 and we'll be talking about that as we get into the actual report. One of the things that we
- 40 wanted to highlight for you is the -- a couple of projects we think are very, very important
- 41 to how we are going to be able to progress in the future. First, the Master Plan
- 42 Reassessment project. We do understand that we need to utilize more innovative
- 43 approaches to master plans focusing on smaller geographic areas, redevelopment and



1 infill. They need to be more timely and they need to be easier to understand so that 2 each sentence doesn't need to be parsed; it needs to be very clear. We know we need 3 to increase outreach to underserved groups, and I think we've been making a great deal of progress in that regard. We also think it's very important to align our master plans 4 5 with the Zoning Ordinance Revision Project, and we've made a lot of progress on 3D 6 modeling of plans. Those of you who attended the briefing on White Flint and any of you 7 who've also participated in the infill housing task force have seen some examples of the 8 technology that we are able to use on 3D modeling at this time. What we really do see 9 is that the Master Plan Reassessment and the new Zoning Ordinance rewrite are very, very connected. I would say that the bulls eye in the middle is what we're trying to 10 achieve; the sustainability and design excellence. And our tools in trying to achieve that 11 12 are our master plans and our regulatory framework. The projects that we have going on 13 are sort of center circle. Our master plan process reassessment and our zoning 14 ordinance rewrite. And they are very linked. If we're going to be using new tools like 15 foreign-base codes, we need to have very, very clear master plans that give the kind of guidance that is necessary to make those tools effective and to achieve kind of 16 sustainability and design excellence that we've talked about. We have our schedule, 17 18 and again we're glad to go through that in detail. We have passed this document on. I 19 want to tell you, to all of the staff in the Planning Department. And I jokingly call it my bible chart because I want everyone -- I've said to keep it up -- pinned up on top of their 20 21 computers to understand very clearly what projects we have going on, what the 22 deadlines are, what their specification assignments are in order to accomplish those project. And I think that it has worked; it has gotten people more focused and directed 23 24 towards the schedules and the goals that we have. And again we can talk about that schedule as we get into the report. We are of course continuing, as I mentioned, to work 25 on the issue of sustainable development and design excellence. We've talk to you 26 through the growth policy about developing sustainable quality of life indicators. And we 27 28 also are working even now on trying to organize a couple of activities related to the 29 culture of design excellence. One would be a design summit that we're working on that 30 would be this winter in the County for both public and private groups. And also doing 31 training for our own staff on design issues and design review. The issue of working with 32 staff on better analyses and project reviews, we are working to not only give staff 33 training but to create the kinds of rules that are needed to make sure that staff is acting 34 in a way that's consistent and clear; the development manuals, the enforcement rules, 35 revisions to Forest Conservation Law. We do want to let you know in terms of caseload 36 and our progress we are working on trying to clear out the backlog of cases. We have 37 had a backlog. We are making progress in addressing that backlog. And we'll continue 38 to do so. Again we can go over these in detail if you'd like.

39 40

- Councilmember Floreen,
- 41 I just have a question about this page.

42 43

President Praisner,



October 16, 2007

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1 Why don't you let them go through the presentation and then we'll come back. 2 3 Councilmember Floreen. 4 If we just remember to come back. 5 6 President Praisner, 7 I'm afraid we'll get bogged down if we don't let them finish. 8 9 Councilmember Floreen, 10 Sure. 11 12 Ms. Wright, 13 Okay, at this point I'd like to turn things over to Mary about the Department of Parks. 14 15 Ms. Bradford, All right. We approached our -- . 16 17 18 President Praisner. 19 Mike, Mary. 20 21 Ms. Bradford. 22 Thank you. Sorry. Please ignore the shadow in the corner as well. 23 24 President Praisner. Well you're in the middle, not in the corner so. 25 26 27 Ms. Bradford, 28 I'm in the middle now. All right. I try to get lower but that's fine. 29 30 President Praisner, 31 Oh, that's okay. 32 33 Ms. Bradford, 34 We did ours a little bit differently because there's so much going on operationally in Parks and so in order to break it down into something that was really useful, we decided 35 to take a look at the things we think might be coming before the Council within the next 36 37 six months, and things we know are hot topics that we're all dealing with. First of all we, like the Planning Department, wanted to set out our overall goals. We're in agreement, I 38 39 think, all of us on providing safe, accessible and green places, taking care of our natural

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enterprise fund are those services we provide which are revenue producers, but also

and cultural resources, working with out community, and our recreational lifestyles component of what we do. We have -- among the items that we have talked about that

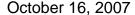
will be coming before you are elements on new directions for our enterprise. Our



1 have costs associated with them. And as our infrastructure ages over time, we're trying 2 to figure out how we can take care of those facilities, which are public facilities, still keep 3 them safe and affordable, but manage somehow the major maintenance and the capital improvement costs that we're going to be facing -- we're facing right now and will be 4 5 facing in the future. We hope to have that report to you with our FY09 budget. We also 6 have a number of items under management of our facilities. As you all know we've been 7 doing an infrastructure condition assessment of facilities. And it produces data -- yeah, it 8 produces data that tell us what we really have and what it's going to cost to fix it. There 9 is good in that and there is bad in that. The good thing is that we are finding out what we're doing right and what we're doing wrong. We're learning a lot of lessons about the 10 value of these. Our condition assessments have been looking at what the costs are and 11 12 what the needs are. What we're doing now is working with community to get to those intangible values that these areas have to the community and try to deepen our 13 14 knowledge of the value of these resources. And so in a number of areas, as you all 15 know, with the small recreation buildings, we're having a public hearing tonight to meet with the community. Councilmember Floreen hosted a good meeting with the folks in 16 Garrett Park whose facility had been examined, and we're continuing to do that. 17 18 Everyone of these 16 facility groups we expect will have ramifications. And as we work 19 our way through them, we will share that with you as soon as we can. We are taking a 20 look at what we're doing with ongoing projects. We do have school field maintenance 21 issues. We still management ball field maintenance for MCPS, and we'll be coming back 22 to you regarding funding for that. We're glad to do that and glad to provide that level of 23 expertise to the school system. So I wanted to make that clear right away. We are 24 looking at options to pre-fund our future infrastructure replacements being explored, what the Chairman calls a sinking fund really to take a look at how we might continue 25 maintenance so we don't have to keep coming back in the way that we do. Under 26 management of natural and cultural resources, we've been actively trying to improve our 27 28 efforts in that area. That actually is one of the departmental management initiatives that 29 we've taken forward; we've created a division of Park/Planning and stewardship. We've 30 gotten some -- or taking a look at all of our cultural resources to see what we could be 31 doing better. A number of those are on the Power Point and I don't have to go through 32 them. But aligned with that are taking a look at how we're managing our natural 33 resources, getting down into those areas we haven't really been looking at a for a long 34 time, taking a look at encroachments, what's happening with plant life, the wildlife there, and doing a better job of looking at our trail system, because that's a very popular use 35 and it goes into areas that we otherwise have not really spent a lot of time looking at. So 36 37 we have an active trails program underway. One thing that shouldn't be a surprise to anybody but is taking an awful lot of staff time of course is the development of the inter-38 39 county connector. And we are devoting staff oversight to look at the impacts on park 40 lands and all the various projects. That includes not only over-the-shoulder review on 41 the environmental aspects and the mitigation for the ICC and sensitive areas, but also 42 such things as displaced facilities like the trolley museum and the athletic fields that 43 have to be moved. So it's taking a considerable amount of staff time. And that's a major



1 effort right now underway. For urban parks, this is something that the Chairman outlined 2 in his budget letter to you, and it's also something that is near and dear to my heart 3 which is as we move from a suburban-rural type of park system to an urban-suburban type of park system, we have to look at how we're managing that, figure out what the 4 5 benchmarks are, what the best practices are, and maybe a lot of design elements of 6 how urban parks ought to be managed when you have a different use pattern other than 7 just families going to use a park or the playground and then going home -- walking 8 home. We have walk-through traffic, office workers eating lunch in there, a lot of 9 different kinds of uses that we have to consider. What are those spaces? What do they look like? And how do we manage them; are part of an ongoing initiative that we hope 10 to kick off in this coming year. I talked a little bit already about some of the ways we're 11 12 improving departmental management. Basically we were looking for things that we weren't doing or were doing as well as we could have, and trying to fill those holes, and 13 14 we ended up with sort of a new organization chart as we split off form Planning. And I 15 just wanted to let you know in here that we're actively recruiting, filling and impaneling the vacancies, and you'll be hearing announcements throughout probably the next six 16 months as we place people in positions and give them the charge to go forward, and 17 18 deal with the topics that they have. We're also looking very closely at performance 19 measures and understanding how those differ from performance standards. I mean, we 20 know from standards that may be 90 percent of our fields need to be managed at a 21 certain level, but then our performance measures would say are we doing all these 22 things with the fields that we said we're doing? Are we achieving them or not? And 23 trying to get the standards in place; and we're doing a pretty good job of that. And then 24 figuring out a way to measure that is something that we've already started doing. The program budget is helping that a lot. And getting the indicators and staff in place and the 25 measurements are important. And the other thing that we've done is we used to have, 26 as you know, many -- a request for partnerships, leases, operations on park property. 27 Every one of them looks different. We had no sort of coherent way of looking at it. We 28 29 have launched a Public-Private Partnership Committee. Say that three times fast. And 30 that has somebody from sort of every element of the organization with the attorneys and 31 the financial people in there to examine these proposals as they come in the door so 32 that we can weigh them and decide is this a good lease arraignment, is this not an 33 arrangement, should these people be a partner or not, does this meet our goals and the 34 objectives of the park system? That's going very well. We have, actually, you know, hundreds of such arrangements out there and just getting a handle on all of those has 35 been a departmental improvement. Community outreach, you know, we've started the 36 37 park ranger program. I won't go through all of the bullets here, but we're very happy with our turnaround, our responsiveness. We can always do better. We want to do a lot 38 39 better, but we're trying to get back as soon as people have a complaint about something 40 and figure out what is going on and see if we can solve it on the spot rather than waiting and waiting and waiting to address problems. And so we've had to hire people to man 41 42 the phones and to help us do that in an expedited fashion. And I think all the park 43 managers as well have taken this on and are doing a very good job. The park police





have an excellent community outreach. And of course we've established an office in the director's office to continue that. Part of this with the park ranger program the first year was to deal with the ball field usages. And what we're looking for now is to pull that program out and actually have us look at some of these natural resource damage or cultural resource damage issues and to expand the scope of the ranger program. So we're examining that and we'll be coming back to you with recommendations. Other issues, this lists our active park development projects, our acquisitions -- you can see this; our cooperating relationships with other agencies. And a number of these will be coming forward to you and some of these are explained in more detail in the report itself. And then the next slide is really kind of a joint slide. I'll turn it over to Gwen to talk about what we're doing when we're looking ahead for both departments.

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Ms. Wright,

13 14 I think that we listed a number of issues that we know are coming up in the immediate 15 future that we thought were important to report to you on. And I think the board members will have information on a number of these. The planning director search from 16 a Planning Department perspective is obviously very important. In Parks it's continuing 17 18 to work to find that balance between stewardship and park services. In both 19 departments, we have a 2008 legislative agenda that is laid out in the semiannual report 20 that we would like to get your feedback on. We have the information about the Silver 21 Place project. We'd be glad to talk to you more about that. As Mary mentioned, we've both been working very hard on improved outreach and ways to engage the public and 22 23 underserved communities within the County. We're both working very hard on 24 measuring performance, and I think again on some of the program element sheets that are in the semiannual for the Planning Department, you'll see where we're beginning to 25 establish performance standards. And in both of our departments, we're working very 26 27 hard on protection of natural resources. In the park side, the parks that we own, and on

the planning side, the laws and regulations that we administer; and we're very busy

answer questions but we're sure the board has some additional comments.

dealing with enforcement and encroachment issues in both departments. We're glad to

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- President Praisner,
- 33 Royce.

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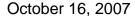
- 35 Dr. Hanson,
- 36 Well I think to spare time, unless my colleagues have additional comments, why don't 37 we go right into the discussion. Because I think the department heads have laid out the 38 [inaudible].

39

- 40 President Praisner,
- 41 Right. Well before -- .

42

43 Dr. Hanson,





1 A good number of issues and matters.

2

- 3 President Praisner.
- 4 I want to get the lights on, and then before we turn to Councilmembers, I did want to 5 make sure that we also look at the packet that Marlene has raised, small thought it is,
- 6 on some issues -- .

7

- 8 Dr. Hanson,
- 9 We are glad to see a small one.

10

- President Praisner, 11
- 12 Right. Yeah. That I want to make sure that we have a chance to discuss. So in order to
- do that and also allow Councilmembers to comment, let me start by going through 13
- 14 Marlene's, and then we can call on individual Councilmembers. Are there any
- 15 comments anybody wants to make about the outreach perspective or the legislative
- priorities? The only comment I would make on the legislative priorities is Marlene makes 16
- note of some of the implications. I think given the challenges we've had in the past of 17
- 18 legislation that may be introduced not by the commission or an outside agency but
- 19 introduced by individuals, it is important that we stay very closely in touch on any
- 20 legislation. So I would hope that before -- that we could A - see the language if you've
- 21 drafted something; and B - that we schedule when a discussion -- I know staff is going
- 22 to be very tied up with the issue of the special session -- our inner-governmental relation
- 23 staff, but I think it is important for us to have a conversation about what our views are in
- 24 an informal back and forth on your views so that if the Council doesn't share your view
- about these pieces of legislation, it is known before we get down to Annapolis in 25
- January; or if Council has some modification that it is interested in, and Marlene makes 26
- 27 note of the no more than two members in a year issue, we need to talk about them. So
- Marlene, if you could go back to Linda and schedule some conversation with inner-28
- 29 governmental and Park and Planning on the pieces of legislation, I think that would be 30 extremely helpful.

31

32 Dr. Hanson,

- 33 That would be very helpful. If we can even move on these before the hearings that the
- 34 delegation has -- .

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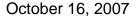
- 36 President Praisner.
- 37 Right and I don't know if that schedule -- .

38

- 39 Dr. Hanson.
- 40 Because we've got placeholders in on these with the understanding that -- .

41

42. President Praisner,





I understand that. And we'll also want him to see if anyone else has any legislation that affects Park and Planning that we would want to know about. Any Council lights that are related to outreach and legislative priorities, Councilmember Floreen.

4

- 5 Councilmember Floreen,
- 6 Thank you. Can you talk a little bit about this Hiking, Biking and Walking Act of 2008
 - and how it relates A to the road code, and our -- I think there is a master plan of
- 8 bikeways already.

9

7

- 10 Dr. Hanson,
- 11 This is basically conceptual at this point, and we have a lot of work that would need to
- be done on it. But the idea is -- and this is something that the Prince Georges' board is
- also very much interested in -- is helping us have a little bit more influence than we have
- through mandatory referral in dealing with state roads. So that where it is appropriate to
- get a bike trail or a crossing for pedestrians or some things of that nature that we're in a
- position to get it. I guess is the best way to put it.

17

- 18 Councilmember Floreen.
- Okay, well let me say I would like to work with you on the T&E Committee on this issue.
- 20 Certainly I know that we're interested in a pedestrian plan for sidewalks and the like. I
- just want to make sure that the different agencies are working together on this. One
- thing we have learned that is that you think it would be easy.

23

- 24 President Praisner.
- Well, but the point is here this is a piece of legislation you would introduce in Annapolis
- that's related to state issues and state roads. And so to that extent, we need to see what
- 27 it is.

28

- 29 Dr. Hanson,
- 30 Sure.

31

- 32 President Praisner,
- 33 Because -- and obviously this is in conjunction with Prince Georges County.

34

- 35 Councilmember Floreen,
- And so we would like to understand what you're talking about here, and just make sure
- that folks are on board. It just comes at me from -- it's just a surprise.

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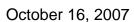
- 39 President Praisner,
- 40 And the other point is I think Councilmember Ervin is our representative on the
- 41 Pedestrian Advisory Committee, and I would want to keep her in the loop.

42

43 Dr. Hanson,

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1 Very good. We'll do that.

2 3

- President Praisner,
- Anything else on outreach? I think Vice President Knapp.

commended. So I thank you all for your efforts.

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- Vice President Knapp,
- I just wanted to commend you for your improvement in access and technology and outreach. I think that over the last six to nine months you've done some really exciting things both from how you've reached out to different cultural groups, overcoming language barriers to try and engage the different parts of the community, the online signups, the weather enhancements. I think that your weekly newsletter is good. And so I just -- there is always more that can be done in the area of outreach but I think that your efforts over the last six to nine months are very noteworthy and should be

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19

- 16 Dr. Hanson,
 - Thank you. Our media and outreach group have been working very closely with community plans, and also our IT section to both make our website more user-friendly, and also to work with groups that have traditionally not been very much involved in the planning process. And particularly those that might have language barriers to it.

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- President Praisner,
- I wanted to add my dittos to what Vice President Knapp has said. And also I'm very pleased with the way you've run with our encouragement to use the cable more aggressively and also to do the televising and also the way you've improved on the room so that folks in the room can see more, and also the way you're using -- beginning to use technology. I think there is more that we still need to do with visual and height and three dimensional kinds of things both here at the Council and at the Planning Board. But I want to compliment you. The only question -- well I have two questions. One comment and one question.

30 31 32

- Dr. Hanson,
- Before you question, could I just mention that the Maryland Chapter of the American Planning Association has just given us an award for our new planning program.

- President Praisner.
- Great. We should share in that, because we would have given you the funding, you
- wouldn't have been able to do it. Before we get to the cable fund in the future, I think it
- would be important for us to discreetly look at the Parks and Planning needs from a
- cable-fund perspective because we have incorporated that in the past under the Council's piece of the channel -- county's channel, but -- and obviously you are a piece
- of that, but the question becomes one of resources associated with that I think it is
- 43 helpful. My two questions or comments relate to the status or efforts that may be



involved or the comfort level with the database on civic associations. I know it is always

- 2 a challenge to keep that up to date, but I just wondered if you've thought about any
- 3 other mechanisms for using this new outreach to broaden the accuracy of that
- 4 database, and also to relate this to the master plan process, because the more you
- 5 modify and engage the master plan process such that it doesn't require 18 months or 2
- 6 years of someone's life, the more likely we may be to get more engagement. And I
- would add to that that we have had some opportunity to have conversations with
- 8 individuals who talk about charette processes in a broader sense of the term than I think
- 9 we use the term here. And I'm very interested in our expanding or improving on the way
- we use the charette process to be not just a walk around in a room for one day, but to
- really get value added voting and some of the other things that are interactive that
- would allow you to come out with a product in that part of the process. Gwen, you
- wanted to comment.

14

- 15 Ms. Wright,
- 16 I just would say that we are working on all of those issues and thinking very much along
- the same lines. The community outreach toolkit that's been developed is something that
- we've been -- our community outreach and media relations department has been
- training all of our community-based planning staff on how to use that and how to most
- affectively use it to get all of the correct contacts for community groups and to make the
- 21 right connections. I think that we are very interested in the charette process as a
- 22 planning process and using technology to make that charette process even more
- 23 inclusive. So I would simply -- .

24

- 25 President Praisner,
- Well it's more outcome focused too.

27

- 28 Ms. Wright.
- 29 Yes.

30

- 31 President Praisner,
- 32 Definitive outcomes that come out of that.

33

- 34 Ms. Wright,
- I would say simply that -- I would just report that we are continuing to work on all of
- these things, but we are very much on the same wave length.

37

- 38 President Praisner.
- 39 Only other comment -- I'm sorry. Allison, go ahead.

- 41 Mr. Bryant,
- Let me just add something else to that may have been overlooked because of the fact
- 43 that this unit is not considered to be a part of Planning; but I think in terms of what is



happening through the Chair's office when it comes to outreach, that has really taken on a different kind of approach also. Especially when it comes to trying to make sure that we reach all of the underserved communities who have a tendency not necessarily to be associated with a particular civic association or civic group from that standpoint. And I think that they deserve a number of kudos for the approach that's being used to make sure that we have access to not only speakers of other languages but also trying to make sure that we are in the position to translate for those speakers of other language.

President Praisner,

The only other comment is given a variety of interactions and experiences that I think the Council has had recently, what I would urge you to do is to get back to us with -- and I don't mean an extensive get back to us, but I think we need to work more aggressively in directing folks when there are variety of questions that community members may have that don't automatically relate to something specifically and exclusively at the Planning Board to using the People's Council more and in a more comprehensive way. Folks who don't understand rezoning process or something where it doesn't remain with the Planning Board, and where folks at the Planning Board therefore may not be as comfortable or knowledgeable, and they don't have a need to be, with everything that's involved with a rezoning or an item that might come to the Council or for that matter to the Board of Appeals. Where I think you all might look at strengthening the specificity or the toolkit as it relates to the People's Counsel. That might help us all very much.

Mr. Bryant,

Let me also indicate that to his credit, the People's Council has said to us on several occasions that he's willing to do whatever is necessary in order to supplement us from that standpoint. I think that's a wonderful idea.

President Praisner.

Unless there are lights on those issues, you may want to talk a little bit because I heard you say, Mary, about some positions that we added in the budget that you're filling, but I didn't hear that they were onboard necessarily; and the next item that Marlene has is the issue of vacancies. I don't know that Councilmembers have any questions about that issue but you may want to comment. Have we overcome the challenges that we discussed earlier about your having more direct Georgia Avenue/Park Side decision-making and not using Central Wheaton. We really don't have here the issue of Central Commission versus County structure, but that is an ongoing question that I think the PHED Committee discussed or said it wanted to continue to discuss with the commission.

Dr. Hanson,

I can't say that we're in perfect shape at this point but we're in much better shape. And I think we're working out a good number of the problems. The pilot system that had been used in Planning in both counties is no longer a pilot system. It is the standard operating

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procedure at this point; and Gwen and Mary may want to respond to this also, because the requirements in the Planning Department is a little different from those in Parks, and both of them working very closely with the Central Administration Services Department now to set up what we think are going to be very good programs. We hope exemplary programs.

6 7

Ms. Bradford,

- 8 I'll start because we've just had some internal meetings to figure out how often
- 9 decisions about hires -- how many hands touch it on the way from deciding you need
- the position to actually having the person walk in the door. I think one of the processes
- showed I actually saw paperwork 11 times in the process. But we're working to -- and so
- we were identifying.

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- 14 Dr. Hanson,
- 15 Get that down to about two.

16

- 17 President Praisner,
- 18 If you get it down to five, you'll be doing wonderful.

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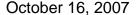
- 20 Ms. Bradford,
- 21 Probably. I mean, you want to know who you're hiring, and you want to be able to
- review the applications and sign off when you hire them. I mean those are probably
- three steps you can't do without. But we're working to go streamline our internal
- 24 process. Because we have such a variety of positions to fill, we're in a slightly different
- 25 place than Planning is in terms of target immediately where you're going to go to get
- those jobs filled, so we're working on the recruitment strategy right now. I will say
- something about the vacancy rate. I think it's explained in the report. We did get new
- positions, so that's a temporary spike. But you'll notice that we were actually at a
- 29 percentage rate that was below the lapse. So we are actually doing pretty well. That's a
- temporary spike. That's an anomaly because of a change in the budget, but actually
- we're actually moving efficiently to fill jobs.

32

- 33 Ms. Wright,
- I would just say I agree. I mean, I think we still have challenges particularly in being able
- to recruit and attract design professionals to be in our development review division and
- our community-based planning division, but we have had some success in that recently.
- We have filled a number of the positions that both -- that had been vacant last fiscal
- year. We have filled those but we have filled a number of the ones that you have given
- us as new positions in fiscal year '09. And I feel like we're making good progress.

40

- 41 President Praisner,
- 42 Any questions on that point? Phil.





- 1 Councilmember Andrews.
- 2 Thanks. Well, I wanted to ask Mary. You mentioned that you're having to spend

3 additional time reviewing ICC-related matters.

4

- 5 President Praisner,
- 6 I was asking on the [inaudible]. I feel I was asking on the vacancies.

7

- 8 Councilmember Andrews,
- 9 Yes, well it's [inaudible]. No, but it's tied to that because you're saying here -- no you
- 10 should actually be spending a lot more time than you are. But you're saying you need
- more staff to do that. And you say you have vacancies. You say right here it's 11
- 12 construction of the ICC Main Line, whatever that is -- use the word highway, please.
- 13 What commences additional resources may be required for design review and
- 14 construction inspections [inaudible] parkland. So what do you need to do the job that
- 15 you think you need to do? And how quickly do you need it?

16

- 17 Ms. Bradford,
- 18 Well how quickly we need it, I mean, as you know the ICC is currently in court, but I
- could ask Mike Rilley to come up. We have somebody stationed working with one of --19
- 20 with [inaudible] in Park Development. Mike, do you mind addressing sort of what the
- 21 timeline would be for hiring additional people?

22

- 23 Mr. Rilley,
- 24 For the record, Mike Rilley, the Acting Deputy Director of Parks. I think we were
- basically framing this proposal -- we will be proposing a new initiative in our requested 25
- FY09 budget. Basically when the ICC -- the work impact on us -- the more we delve into 26
- it grows, there's different categories of project beyond the mitigation that get into the 27
- 28 stewardship projects. And of course we could use those positions now. We could use
- 29 them today. But we're basically reallocating resources for the time being to cover what
- 30 we should be doing.

31

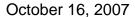
- 32 Councilmember Andrews,
- 33 It says here -- I looking at page 116, the second to last paragraph. It says the level of
- 34 coordination for the ICC Main Line is more substantial than previously thought due to
- the controversial nature of the ICC. And I must say, I can't imagine how you could be 35
- surprised that you would not need a lot of resources in order to monitor the project. 36
- 37 What kind of turnaround time is the state giving you for review of their construction
- 38 plans at this point?

39

- 40 Mr. Rilley,
- 41 Well, at this point -- .

42

43 Ms. Wright,





I mean it is very fast. And I will say I've been getting pushed back from our staff on how fast it is.

3

- Councilmember Andrews,
- 5 How fast is it?

6

- 7 Ms. Wright,
- 8 A week on a set of three or four drawings and then they'll ask for like a five-working day
- 9 turnaround. And that is challenging given the fact that although we do have a specific
- staff person in the Parks Department who is leading this effort, they coordinate that
- review with staff in Environmental Planning and staff in Community-Based Planning who
- are doing other projects as well, who aren't devoted 100% of their time to the ICC. And I
- will say honestly, it is a stretch. I've been getting pushed back from the Planning
- Department staff who are doing this in addition to their normal workload.

15

- 16 Ms. Bradford,
- 17 And plus as we said -- as I said earlier when I was doing the presentation, it is not just
- looking at the road and what the road impacts, it is looking at the buffer zones, the
- special protection areas, and the fact that a lot of that corridor was actually de-facto
- 20 parkland if you will. A number of uses had developed that were on that land with the full
- 21 knowledge that they would have to be moved but which had become entrenched in the
- community, so we pulled people off to deal with some of the replacement facilities. Now
- the state is moving forward to do that replacement work. We're not doing that ourselves.
- I mean it is not in a Capital Budget where we are actually going to have to build those
- fields. The state's been doing some of that. We have to do some work though. And
- there is a lot of review associated even when they do it for us. The Trolley Museum, as I
- said, and the well and fields come to mind. But there are many other similar situations.
- 28 So it is taking that kind of staff time; although the state is doing it, it is to replace park
- 29 uses and we have to --.

30

- 31 President Praisner,
- Well in some cases, when you say the state is doing it, it is on their time but it is often
- an outside contractor, not individual state people and state employees.

34

- 35 Ms. Bradford,
- That's a more precise way of explaining it.

37

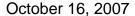
- 38 President Praisner.
- Which requires a monitoring of that contractor to make sure when they are getting paid
- 40 X amount for Y that they are doing it by the letter of what's supposed to be done, and
- 41 that's why the monitoring becomes an issue.

42

43 Ms. Bradford,

69

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Well it's an over-the-shoulder review we call it. And there are just a lot of shoulders to

2 look over. And so -- and since it is moving quickly, you can't spread out your work

3 program. You got to really tackle it.

4

- 5 Councilmember Andrews,
- 6 All right. Well the reason I raise this is because you have three things intersecting here;
- 7 you've got vacancies already, you've got a large workload in order to keep up with the
- 8 review of the proposals that you're getting from the state, and you've got a really short
- 9 time line you're saying that the state is telling you they want it down by. And so all of
- 10 that --.

11

- 12 Dr. Hanson,
- 13 It's like working with the Council.

14

- 15 Councilmember Andrews,
- 16 Right.

17

- 18 Mr. Bryant,
- In fact, I thought, Mr. Andrews, that you were getting ready to suggest that the Council
- 20 minimize the work program in order to make sure that the conforms of issues.

21

- 22 President Praisner,
- 23 You'd be smarter asking for more resources.

24

- 25 Councilmember Andrews,
- 26 I'm trying to be responsive to this suggestion you have here.

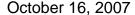
27

- 28 Councilmember Elrich.
- We would be happy to slow the ICC down so -- .

30

- 31 Councilmember Andrews,
- Look. You point out, you acknowledge important resources that will be affected by the
- construction of the ICC; affected by the same way, I suppose, that a cow is affected by
- the serving of a sirloin dinner. Or the pig in serving pork. The pig is committed. The hen
- in the bacon and eggs is involved. Chickens involved; hens involved. But you suggest
- 36 additional resources may be required. And so what I hear you saying is additional
- 37 resources are required now.

- 39 Ms. Wright,
- 40 No we have really just very recently got into this very guick turnaround regimen, and
- 41 we're now just sort of experiencing the reality of four-to-five-day turnarounds on sheets
- of drawings. I think that it very well may be that we will need some additional support.





And if that happens I think that I would like to believe you'd be open to us coming back and requesting that in a separate supplemental.

3 4

- Councilmember Andrews,
- I would certainly be interested in that, and I wouldn't wait, you know, I wouldn't wait too long. I certainly wouldn't wait more than a matter of weeks and maybe less to ask for what you think you need in order to do it well.

8

- 9 President Praisner,
- Yeah, I think the point of the letters and concerns of Councilmembers on both sides of the issue have raised is that we monitor and that the stewardship and the accountability and the doing it right should be everyone's goal. So I don't know anybody who objects to that. And if it requires you saying no, we need two more days because we can't review it in five days, I would hope you would say that.

15

- 16 Dr. Hanson,
- 17 There's no doubt we'll say that.

18

21

2223

24

25

26

- 19 President Praisner,20 I mean, speed at the
 - I mean, speed at the expense of quality and accuracy is one that I think is the wrong priority when it comes to the kind of magnitude of the projects that we're talking about, the implications of project that we're talking about, and the fact that some folks in the federal agencies have in the past raised a question about whether it is appropriate to do this kind of project on a fast track. So let's -- if folks are saying no, it can be done, then let's prove it by doing it right, not by having the clock tick at the expense of the kind of oversight. So you all are having problems with the deadlines mandated by the state, you need to let us know.

2728

- 29 Dr. Hanson,
- 30 We will.

31

- 32 President Praisner,
- And if you need resources to review it appropriately, you need to let us know. And as Councilmember Andrews indicates, letting us know after you need them with the time period of filling those positions, it is not good.

36

- 37 Councilmember Andrews,
- Right. It would make sense to get a supplemental request going now and we'll see what happens with the courts.

40

- 41 Dr. Hanson,
- We hear you.

43

71

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October 16, 2007

43

Councilmember Floreen,

1 Councilmember Andrews, 2 But it makes sense to get the process going. 3 4 President Praisner, 5 Okay. I want to move to since -- you're on the vacancy issue. Go ahead, Nancy. 6 7 Councilmember Floreen, 8 If you could go back to the slide you had up there which was my question. 9 10 Gwen Wright, About regulatory. 11 12 13 Councilmember Floreen. The regulatory stuff -- that's the other side of the issue. And I say I fully support the 14 15 issue of making sure you have the staff available in addition to this it is necessary to deal with your review of the ICC. My question is this chart and what its relationship to 16 the Planning Department vacancies. I've got 18? 17 18 19 Gwen Wright, 20 Yes. 21 22 Councilmember Floreen, 23 What -- where are -- are those all development and review type folks? 24 25 Gwen Wright, Nope. What -- our only remaining vacancies in development review at this point are -- if 26 I -- do you want real specifics? 27 28 29 Councilmember Floreen, 30 Well. 31 32 Gwen Wright, 33 Two supervisors -- one is supervisor of our tech team and for our zoning team; we're 34 interviewing for both. One site-plan reviewer because of a promotion that other position person was promoted out of is now available. And a zoning position. 35 36 37 Councilmember Floreen, 38 So you've got four positions associated with the regulatory review. 39 40 Gwen Wright, 41 Uh-huh. 42.

72

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October 16, 2007

How are you doing in terms of the backlog and meeting the regulatory obligations? You technically have the various turnaround times. This chart is -- reflects numbers but it doesn't really reflect -- maybe it does -- what the expectation level and process timing that is built into your system.

5

- 6 Dr. Hanson,
- We're making some headway on that. Again, the backlog remains a problem, which
- 8 we're gradually whittling away. There are a couple other issues that are problems. One
- 9 of our problems historically has been getting the resolutions out. And the legal staff,
- which has the following responsibility for it, has been working with the development
- [inaudible] staff to get the staff reports written in ways that make them more easily
- convertible into resolutions, and that's coming along. Again, not as fast as we would like
- because people are busy writing new staff reports at the same time they are writing
- resolutions. The big impediment from the legal staff's perspective -- although we have
- added legal staff, has been litigation. And the -- you just don't tell a judge I'm sorry I
- 16 can't be there on Tuesday.

17

- 18 Councilmember Floreen,
- 19 Sure.

20

- 21 Dr. Hanson.
- 22 So we have a lot of work in that area that is slowing us down.

23

- 24 Councilmember Floreen.
- Well I guess my question is then are you adequately staffed to, you know, be able to get yourself to a predictable schedule.

27

- 28 Dr. Hanson.
- We may need some additional staff.

30

- 31 Unidentified,
- 32 Rose.

33

- 34 President Praisner.
- 35 Rose wants to come down.

36

- 37 Dr. Hanson,
- 38 Rose can comment on that.

39

- 40 President Praisner,
- 41 Rose, introduce yourself before you start please.

42

43 Ms. Krasnow,



Thank you. Rose Krasnow, Chief of Development Review. And I really did want to chime in because for the first time starting in September I feel that we've made a major leap forward. And I cannot stress it enough. We have one position available now at site plan because Robert Cronenberg was just named supervisor, so we can fill his planning coordinator position. But we really are setting processes in place now for things like the resolutions, the certified site plans, have a set processor going through where we have two sets of eyes on them, and we are turning them around far more rapidly. The backlog that we faced originally was tremendous. So for example I signed five certified site plans today. And some of those have been around for a while; but now that we have staff, we are able to review them and move them forward. We still have some backlog cases. Our applications are down so far this year. That's not surprising in my opinion given both the economy and the fact that you're working on growth policies now. which is keeping people from bringing in some applications. But that really is giving us this window of opportunity to start looking at just how many cases are still out there, figuring out why they have not been able to move forward, and doing whatever is

Dr. Hanson,

We have been talking about other ways that we may be able to expedite or improve the process. There are some elements that have actually slowed the process. The requirement for pre-meetings, which is a good idea, but it nonetheless slows things down. We have a provision in the development review manual, which I think will actually help the process considerably, and that is dividing the filing process into two parts with the preliminary filing of an application to have the matter checked within 15 days to determine whether the application is complete, because one of the problems that the staff is faced is applicants who filed an application that than had to be sent back to them because it was not complete. This doesn't even get into the substance of the application. And then more time is taken to make the application complete. And something else will be left out and it will be sent back again and so on. So getting that process improved, I think -- .

President Praisner,

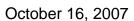
That's not your delay. That's someone filing something [inaudible].

necessary to get them to the board in a more timely manner.

 Dr. Hanson,

Well it is, but on the other hand having our staff be able to look at an application, tell an applicant you need to do the following things before this is a complete application, these -- and get these back to us with these things done, and then you have an application that's in form for us to begin to review it. So we're not wasting time reviewing an inadequate or an incomplete application.

Councilmember Floreen,



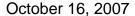


1 Defining the process correctly is as important as the staffing levels I think, so that everyone is using the same language. Also for community outreach and for knowing who to communicate with on what. So I guess my question is, do you feel that you have 3 4 the staff -- now that you've really redone most of the process, are you done with the 5 process -- ? 6 7 Ms. Krasnow, The manual has been sent to you for review. I know there are some concerns that Jeff 8 9 Zyontz is voiced that we perhaps jumped ahead in terms of processes that aren't actually allowed by code at this point, so. 10 11 12 Councilmember Floreen, 13 Well, detail. But -- . 14 15 Dr. Hanson, 16 Go ahead and approve it; we won't do the ones that are not allowed. 17 18 Councilmember Floreen. 19 You have the process in place you feel that you would like to see. And the people more 20 or less -- . 21 22 Ms. Krasnow, 23 I think we're in better shape. We need to hire this service coordinator who will help us 24 respond more quickly to some of the correspondence that's coming in that will help keep applicants informed of where they are in the process. 25 26 27 Councilmember Floreen, 28 And if you have clearer opinions or clearer staff reports, you can have clearer 29 resolutions so that everybody knows what the Board approved. 30 31 Dr. Hanson, There's one other thing -- . 32 33 34 Councilmember Floreen. And the legal staff won't have to rewrite things and will take [inaudible]. 35 36 37 Dr. Hanson, 38 Right. And listen to the tape and all of this. The other thing, there is a text amendment --39

40

41 Councilmember Floreen,

42 And Board members are making clearer motions I'm sure.





1 Dr. Hanson,

2 There is a text amendment before you also, I believe, or an amendment before you that

would allow the Planning Director to approve certain kinds of very small amendments to

- plans. And one of the things that slows things down now is that all amendments, no
- matter how insignificant, must come back to the Board.

5 6 7

4

- Councilmember Floreen,
- 8 So is there something in our -- .

9

- 10 Dr. Hanson,
 - Come again. So if we have this on consent agenda.

11 12

- 13 Councilmember Floreen,
- So there is something in our court too that we need to deal with. Okay. So otherwise
- then, you think that the vacancy issues, once resolved, at least these several positions,
- ought get you back on a predictable schedule for a delivering -- for a clearer -- clearly
- 17 understood process that all the players can follow?

18

- 19 Ms. Krasnow.
- 20 From the standpoint of development and review, yes I do. I think that once we get these
- three final positions filled, we will be in very good shape. We still have to work on an
- issue -- it is an issue that perhaps involves where you can help too. We still have trouble
- 23 getting other agencies to provide us comments in a timely manner. And it has become
- increasingly frustrated as we are trying to streamline our process. If you think back to
- 25 '05 try..we're supposed to tattletale in effect when we're not getting those comments in a
- timely manner. It puts us in a tricky position you know.

27

- 28 Councilmember Floreen.
- [Inaudible]. Take this up if you need us to knock heads around.

30

- 31 President Praisner,
- 32 Absolutely. I mean if the checklist shows that these aren't coming in on time, that's fine
- to be told. Have we solved the Hanson problem of --?

34

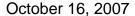
- 35 Dr. Hanson,
- 36 Yes.

37

- 38 President Praisner,
- 39 Okay, good.

40

- 41 Dr. Hanson,
- Well, it depends on which Hanson problem you were talking about.





1 President Praisner.

2 You know the one I mean.

3 4

- Dr. Hanson,
- 5 The [inaudible] system is under control.

6 7

- President Praisner,
- 8 Folks I know that some folks had planned on 4:00 as the time when they had other 9 obligations. So I want to try and work through this.

10

- Councilmember Floreen. 11
- 12 Those were my questions about the [inaudible].

13

- 14 President Praisner,
- 15 Thanks. We have under Planning Department issues the Zoning Ordinance rewrite, which obviously we've all talked about a little, but the Council is very anxious to have 16
- some progress on and as are you, I think. We had the agricultural initiatives where the 17
- 18 Council, I believe, is waiting for some items especially related to the Sand Mounds and
- 19 some of the other things that are phase two so that we can introduce them and deal
- 20 with them. As Dr. Hanson knows, we have held off on the final actions on the BLT and
- 21 the child lot issue in order to integrate them with a more equally significant Sand Mound
- 22 issues that were mid-range. And we have the issue of the Master Plan timetable, which is another issue the Council is anxious to see some modifications to as soon as is 23
- 24 possible. And we have the project that you've proposed. We also have the Master Plan
- 25 schedule, which shows some slippage and some on track. And I must say more on
- track or close to on track than we've seen in the past, it appears to me just in looking at 26
- it. So I think that's a good sign. The one question staff asks here and then I'll turn to 27
- Councilmembers, is -- well the concern raised about Westbard. I think the timetable if 28
- 29 we don't get it and don't have the capacity for the Council to deal with mainly to a new
- 30 Council dealing with it. But the other issue is any modification or clarification needed on 31 what's happening with the Gaithersburg Master Plan since we had been led to believe
- 32 that the Planning Department was going to propose a change to the scope of that. And
- then the White Flint: those are the two items that Marlene has raised. So I would like to 33
- 34 talk about the Master Plan schedule because I think some Councilmembers are
- 35 interested in that -- anxious about that, and then go back to this issue of the other items 36
 - here. Gwen, you want to comment on Gaithersburg and White Flint?

37

- 38 Unidentified.
- 39 [Inaudible].

40

- 41 President Praisner,
- 42 Well we're going back to parks. We aren't done with parks. Parks is next. Gwen?.



- 1 Ms. Wright,
- Yes. On Gaithersburg, as you know, there is a Gaithersburg West and a Gaithersburg
- 3 East, and the question is are we proposing to do all of it or just part of it. And what we
- 4 would like to propose is a change in scope, and we would like to get your agreement
- 5 that the schedule you see here would be dealing with Gaithersburg West. As you know,
- 6 there are studies going on at DPWT about the feasibility study for M83. We think that
- 7 that's a central issue in terms of Gaithersburg East. We think that should be allowed to
- 8 play out that study before we really dive into Gaithersburg East. We have found as we
- 9 have gotten into Gaithersburg West that there are some extremely big issues -- very,
- very meaty issues that relate to the CCT, that relate to John Hopkins, that relate to a
- 11 number of major properties. And it is a bigger task and I think deserving of being on its
- 12 own track.

- 14 President Praisner,
- 15 Okay.

16

- 17 Ms. Wright,
- 18 So we are requesting at this point that this schedule would relate to Gaithersburg West
- and that we would come back with a schedule for Gaithersburg East after the M83
- 20 feasibility study is complete.

21

- 22 President Praisner,
- Okay. I don't know since it is not really explained in depth in the packet that
- Councilmembers -- and since we don't have a full Council -- can say to you, yes, okay at
- 25 this point. But what I would like to do, Marlene, is to do a memo to the Council on that
- issue and have any Councilmembers who have concerns or questions to let you or me
- know by a date certain, in which case then we can get the consensus of the Council on
- your request. I don't think we can sign off on it today. Okay?

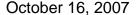
29

- 30 Dr. Hanson,
- 31 [Inaudible].

32

- 33 President Praisner,
- I'm going to call on individual Councilmembers but I just -- there is no way there are
- 35 Councilmembers who aren't here who may want to comment. Vice President Knapp and
- 36 Councilmember Andrews, in that order.

- 38 Vice President Knapp,
- 39 Thank you. No, I just -- I agree with the President's recommendation. I guess the only
- 40 thing I would add is if we could get some more definition from Gwen or from whomever
- 41 to put in that memo so we have some understanding. I agree with you, I think there are
- weightier issues that need to be addressed, but just to be able to articulate those, we





1 can go back to the community and be able to explain to them why the proposal may 2 makes sense.

3

- 4 Dr. Hanson,
- 5 Gwen and I have talked, and she has talked to staff about a response to the e-mail that 6 you sent me the other day with regard to the CCT and some kind of way of creating more advice and push on that.

7

8

- 9 Vice President Knapp,
- 10 Okay. Do you want to me to talk about more Master Plan issues right now or just this?

11

- 12 President Praisner,
- 13 Let's deal with the Gaithersburg question in case Councilmember Andrews has a
- 14 question, and then Councilmember Floreen. And then we'll go back to the Master Plan.

15

- 16 Councilmember Andrews,
- Thank you. All right. So the argument for splitting them up is they are both big plans and 17
- 18 on separate tracks in terms of how you want to consider M83 and the Gaithersburg East
- 19 Master Plan. And the question I have, and I know the community has been concerned
- 20 about this and I'm concerned that it wasn't described in the semiannual report because
- 21 the community wouldn't know that other than what has already been out there they
- 22 wouldn't know from this that you're planning something different than what was officially 23

planned.

24

- 25 President Praisner,
- That's why I want to give us time. 26

27

- 28 Councilmember Andrews.
- 29 How will that affect the ability of people to have an influence who are in the
- 30 Gaithersburg East Master Plan on the Gaithersburg West Master Plan. There's a
- 31 concern that if they are divided up, they'll have less influence on that half because they
- 32 are not in the borders of that plan. How are you going to deal with that?

33

- 34 Ms. Wright,
- 35 Well, I mean, I think that our intent is that the Gaithersburg West plan will have an
- inclusive outreach strategy. It is not intended that only the property owners in 36
- 37 Gaithersburg West will be the only parties consulted in that plan. And I think we
- certainly can commit to assuring that all citizens of the Gaithersburg vicinity are kept 38
- 39 apprised of the progress of the Gaithersburg West plan and invited to come to
- 40 community meetings and public hearings.

41

42 Councilmember Andrews,



Part of what I hear out there is that by splitting up the plans, it affects the balance of the transportation within each plan, and for those people in the Gaithersburg East area who may be very opposed to M83, separating the plans out I think weakens their argument they feel. Because if they were grouped together then things in Gaithersburg West could perhaps compensate for what may not be balanced if Gaithersburg East is broken out separately. That's part of what I hear out there. So that I think is part of the concern which is why they -- there is some concern about splitting them and there's also a concern about how that would change the recommendations.

9 10

Ms. Wright,

Well, that's new information for me. I had not heard that particular viewpoint. And I think we could certainly, you know, go back and talk to our planning staff about, you know, how we can take that into consideration. I think that part of the issue as we get into plans -- there is always a balance. On the one hand we're talking about in our Master

- 15 Plan reassessment, doing smaller geographic areas that are specifically focused with
- maybe a smaller range of issues. And there is always the problem of doing that and
- then not having perhaps the more global or larger countywide view of a particular
- project and its impact. I think the Gaithersburg West and Gaithersburg East plans are
- actually a good example of plans that are just very different. They have completely
- 20 different sets of issues. They involve different kinds of resources, and that would make
- sense to do smaller geographic area plans, one for each area focused on the specific interests and special qualities of those geographic areas. But I certainly understand that
- we're all connected in one way or another frequently by roads, and that that is
- something that also needs to be taken into account as we move toward this idea of smaller geographic plans.

26

28

27 Dr. Hanson,

I think the other consideration here is that if the scope of the project is expanded, this schedule will have to be amended.

29 30 31

- President Praisner,
- 32 But you are narrowing the scope.

33

34 Councilmember Andrews.

The original plan [inaudible].

36

- 37 President Praisner,
- 38 The original plan was for all of Gaithersburg.

39

- 40 Ms. Wright,
- And I think what we have found is that as we've gotten into all of Gaithersburg It's a
- 42 pretty big bite to chew.



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- 1 Councilmember Andrews,
- 2 It is.

3

- 4 Ms. Wright,
- And that separating it out makes it a more manageable bite. But I do understand the concerns also about the interrelationship.

7

- 8 Councilmember Andrews,
- l've kept an open mind on it. And I think they -- the thing that I want to understand is what are the ramifications of splitting that up? How does that change things in terms of involvement and potential factors that are considered that would be different if they are split up than if they were together in terms of transportation balance and things like that.
- 13 Because that's part of what is -- .

14 15

- 16 President Praisner,
- Perhaps you can work with Marlene on the memo because I see the memo is also providing some input to the community of your expectations on this. Allison?

19

21

22

23

24

25

26

- 20 Mr. Bryant,
 - I was going to suggest, Madam President, that also I don't see the difficulty for these purposes in making sure that you have representation from the east when you're working with the west and from the west when you're working with the east from the standpoint that that would be their principle objective is to look at where we need to make sure that we are integrated, et cetera, and represented. I think that that approach I will be making to my colleagues. And that should help to ameliorate some of the concerns that you expressed here.

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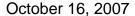
- Councilmember Andrews,
- I would imagine part of the concern is also time, and that people will then have to go through two master plans rather than one. And two master plans can be very time consuming for people to participate in, and I would imagine that's a concern also of some of the members of the public. So I think it is a significant change. I don't think maybe that all the ramifications of it haven't been thought through or at least communicated to us and to the public. I think that's very important to do. So I look forward to working on the development of the memo and getting some feedback. Thanks.

3738

- 39 President Praisner,
- 40 Councilmember Floreen, on this issue.

41

42 Councilmember Floreen,





Thank you. I've got a lot of concerns about this proposal. Luckily Marc doesn't stop working on the annual growth policies; he's got a chart out here of your system and Gaithersburg East is in the problem area. So I think it is troubling to --.

4

- 5 Unidentified,
- 6 [Inaudible].

7

- 8 Councilmember Floreen,
- 9 [Inaudible] However you look at it. What it has identified is that there is an area that
- 10 needs some attention. And given -- your intention to build but [inaudible] with this stuff. I
- mean we really do have to move this forward, not only because of the points Phil has
- made, but this was supposed to be linked to a certain degree with Germantown. M83
- has implications for both.

14

- 15 Dr. Hanson,
- 16 And Clarksburg as well.

17

- 18 Councilmember Floreen,
- 19 And Clarksburg; well but at least these two plans are on the list. And we know what
- 20 happens when you take something out. It just sinks to the bottom of the line. So I would
- 21 -- I appreciate the challenge that you've got, but I don't see how we can -- if we're going
- 22 to be -- move more rapidly, we've got to move more rapidly because we've got all of
- these other things that people want to do.

24

- 25 Dr. Hanson,
- Just to caution you on this that if you're going to move more rapidly and expand the

scope.

28

- 29 President Praisner,
- No. We're narrowing it.

31

- 32 Dr. Hanson,
- 33 Wait a minute.

34

- 35 President Praisner,
- Well, but, Royce, you are narrowing the scope. The scope in front of us that we have
- discussed is for full Gaithersburg and vicinity. You are narrowing the scope to bring us
- in a bifurcated way. That's the point our staff is raising from a standpoint of the Council's
- 39 choices. And it seems to me that the questions in front of us are, are we -- do we accept
- 40 your bifurcation. And if we do not bifurcate, given what you've said about the
- 41 complexities, does that affect the schedule.

42

43 Dr. Hanson,

82



1 Yes.

2

- 3 President Praisner,
- That -- well, but that's what we don't have in front of us to discuss. So that's why I'm suggesting Gwen work with Marlene so that you have -- because none of this is laid out
- 6 here. None of -- that you have for us a more comprehensive discussion of the issue.

7

- 8 Dr. Hanson,
- 9 We'll do that.

10

- 11 President Praisner.
- So that we have a chance to consider whether we'd prefer a combined, continuous as presented earlier -- previously plan with an implication of a date difference versus a bifurcated with one piece not even on this list. And the second issue that I have to say again from Nancy's perspective and mine, how does the modified master plan schedule that you're working on affect these plans and the dates?

17

- 18 Councilmember Floreen,
- The other thing is that you have -- you're the ones who added the 355/270 Carter study.
 One would think that that was your plan. That wasn't actually our idea. One would think
 that that would enable you certainly on the east side issues to be prepared to deal with
- some of that at least. I don't know what that is about but one would think that that should be a useful tool, which I understood to be your point there -- that this would give you the research as the thinking the whatnot, so that when you got to the plan you had some
- 25 guiding principles. So I made my point but I am -- I don't think we can delay this stuff.

26

- 27 President Praisner.
- Well, with that, without the Council making a decision, if you could work, Gwen, with
- Marlene to develop a memo that could then be circulated to Councilmembers with a
 - time certain for a reaction with the options that you're talking about and the implications.

30 31

- 32 Dr. Hanson,
- 33 I think the Board will give you a recommendation on this.

34

35 President Praisner,

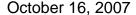
36 If we could move on.

37

- 38 Councilmember Floreen.
- Mrs. Praisner, I guess I'd say if we're going to go that way, I really would understand
- 40 what it meant that we would not be addressing. I mean the specifics. The kinds of
- 41 issues that would then be delayed for later attention.

42

43 President Praisner,





Okay. Anything else on the planning process including anything associated with the Planning Board Master Plan schedule. Vice President Knapp.

3

- 4 Vice President Knapp,
- 5 Thank you, Madam President. I had just a couple pieces. First is we had a conversation
- 6 over the summer, it may have been the last annual meeting, in which I think Mr. Elrich
- 7 raised the issue of trying to speed up master plans. And we said we would try and do
- 8 three a year, and you guys thought that was a good idea too. Looking at the plan that's
- 9 in front of us though, with the pushing back of Twin Brook until March that actually
- makes it difficult I think to get three master plans done next year given the way the rest
- of the Council schedule will break out with various budgets and activities. And so I
- 12 guess one of the things I would like to pursue is if it's possible to potentially accelerate
- that so that that's before the Council so the Council could actually potentially consider
- that in the March/April timeframe in-between its budget deliberations, as opposed to
- wait and try to do two master plans in the summer.

16

- 17 Unidentified,
- 18 Twin Brook.

19

- 20 Dr. Hanson,
- Twin Brook, we will be complete with that. We've got that scheduled for public hearing
- on November 15th. And that means in all probability that it will be ready to send forward
- 23 at the end of December.

24

- 25 Ms. Wright,
- Right and then the Executive has 60 days to review it. I think that realistically Twin
- 27 Brook, because of the public hearing date but also because we're working on the new
- zones that would be associated with it and that we don't want to send that plan up
- without those zones.

30

- 31 Vice President Knapp,
- 32 That doesn't work very well.

33

- 34 Ms. Wright,
- 35 Realistically I think the earliest we will be able to transmit to the Council and Executive
- is January. And that would then give it to you in March.

37

- 38 Vice President Knapp,
- 39 Assuming that the Executive takes the full 60 days.

40

- 41 Dr. Hanson,
- 42 Assuming the Executive takes the full 60 days.



October 16, 2007

1 Vice President Knapp, 2 Okay. 3 4 Dr. Hanson, 5 You can begin thinking about it before then. 6 7 Vice President Knapp, 8 Well -- . 9 10 President Praisner, In our spare time. 11 12 13 Vice President Knapp, I think I -- I'm very mindful of what both Ms. Floreen said and what Mr. Elrich has said 14 15 earlier, I think we -- we haven't done a master plan in two and a half years at this point. So I think it is going to be important for us to get at least three in next year, and so to try 16 to do two in the summer is going to be tough. 17 18 19 President Praisner. 20 For four Councilmembers -- . 21 22 Vice President Knapp. 23 It's a new process. 24 25 President Praisner, It's the first time you're doing that. 26 27 28 Vice President Knapp. 29 So to the extent that we can do Twin Brook as quickly as possible -- again recognizing 30 quality issues. Specifically as it relates to Germantown, I've met with a number of folks 31 who are concerned that while the process of discussion has begun, that the actual 32 tangible concrete discussion of looking at potential zones, looking at some of the more 33 tangible activities has not yet begun. And so as they look back at the dates that you've 34 outlined here, many of them having gone through master plans in the past, they sit there and say they don't see how the dates add up. They think you've run out of time in the 35 middle. And so they are -- would like to urge and I would like to urge that we get to the 36 37 more substantive part of that discussion with the community in the coming weeks as opposed to potentially waiting until the January timeframe, because I think the 38 39 community is ready to engage. In order to keep the other pieces on track I think that's 40 going to be important for us to do.

42 President Praisner,



If I can piggyback, I think that's the point that Councilmembers continue to say that the preliminary time work is one place where the Council believes time can be shaved off the process, whether it is a small place or a big place. And I know the complexity but there is this development of documents that may or may not be necessary in its format for the future master plan process.

5 6 7

1

2

3

4

Mr. Robinson,

8 Madam President, I think the Board shares your concern particularly in Twin Brook and 9 White Flint plans. We have attempted to institute a new protocol which is -- bring us the 10 issues right up front and them well to find. I've heard from colleagues of mine in the city movement and the business movement -- community that part of the problem with 11 12 community consultation is they go to a meeting and they don't know what they are going to talk about. And it seems to me that as the Planning Commission, we're the land use 13 14 experts. Our staff should take the issues to the community and to the business 15 community and give them something to focus on right at the beginning. That should accelerate I think some of the preliminary processes that Mr. Knapp in particular is 16 referring to and which you've alluded to. 17

18 19

Vice President Knapp, No, I think you're right.

20 21

22 Mr. Robinson,

That is a change in protocol we're trying to implement.

23 24

25 Vice President Knapp,

And that's where the community, I think, is frustrated now. They are ready to engage. 26 27

Give us the real things to talk about. We can talk about concepts until the cows come

28 home.

29 30

Ms. Wright,

31 One of the things I think that is different that we're doing different is trying to come in

32 and have more work sessions that are public work sessions with the Board and the

33 community before the preliminary draft amendment is published with the hope that that 34 will ultimately mean there will be fewer work sessions after the preliminary draft is

35 published. In fact, we're having our first, as you probably know -- first of those such work

36 sessions with the Board and the community and the staff on Germantown is actually this

37 week. It is going to be on Thursday evening. And again the other thing though that we're

very cognizant of is that in addition to the plans, we have to be working on the zoning 38

39 tools at the same time. And I'm not saying this is an easy schedule we've laid out for

40 ourselves, but the other choice is to let these important areas drag on for a long, long

time, and we don't want to do that either. So we are prepared to really, you know, be 41

42 working very hard over the next six months to try to achieve these deadlines. And they

43 are more aggressive deadlines than we have ever had.



 Vice President Knapp,

Okay. And then just two more quick ones; the first is back at the Zoning Ordinance rewrite, in Phase One Transit Station Zones. In Marlene's package she talks about referencing the fact this is important because we're going to do Twin Brook and White Flint. And I would merely submit that given the conversation we have had as it relates to Germantown, Gaithersburg East/West or Gaithersburg and vicinity, however we end up doing that, that we begin to look at what transit zones mean beyond just metro stations and really look into corridor cities, because that tends not to be a part of the discussion. Or purple line. So I would just urge that we have that as part of the discussion. And then my last piece is if you can kind of give us some sense as you send over the 355/270 vision, as I understand it that kind of sets the framework or identifies the principles for that will then begin to look Twin Brook, White Flint and Germantown, presumably. How do you see presenting that to us and kind of what's the process by which we get that and then can kind of have that as a framework to look at the other activities.

Ms. Wright,

Well, you know, it is a study. It is not a plan that we'll be asking you to vote on or take an official action on. We'll be transmitting that in probably right around the first week of November. And what our intention is, is to actually go out and do a community briefing on the study after we have transmitted it to you to let the community see the outcome of all of the various discussions that have taken place over this long period of time. I don't know, and I haven't really had a chance to discuss with Marlene whether the Council will want to hold any kind of briefing or public hearing or meeting of some sort with the public on the study. And if you do decide to do that, we're certainly glad to provide whatever support is needed in that regard. It is not a document that you'll be asked to vote on. And so I don't know what the most appropriate mechanism for you review is.

 President Praisner.

Well let me work with staff, but I worry about to some extent taking -- depends upon how it is shaped. One could argue we have got your centers and boulevards document as well, and perhaps we should have a conversation about that given the work and the time associated with it. How or if the community in a hearing process should be engaged as opposed to in some other format to provide input to the Council and what exactly the Council would be commenting on and to whom, obviously to the Planning Board, beyond that though is something I think I need to think about and talk to my colleagues about, but also think through from a perspective of what this animal is that we're getting as oppose to a master plan.

Dr. Hanson,

We would probably want to hold a public forum on it. You may want to wait and see what the outcome of that -- response to that it.



1 President Praisner,

I think it would be important for you to share with Marlene what your plans are on both documents perhaps, and then for us -- me to have a chance to sit down and chat.

4 5

- Vice President Knapp,
- 6 And I would just urge if you do public outreach, which I think is a good thing, to look at
- both ends of that 355-270 corridor. I know there is obviously -- an obvious reason to
- 8 focus on Twin Brook, White Flint area, but I think clearly -- .

9

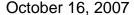
- 10 Dr. Hanson,
 - This looks at the whole corridor from Friendship Heights to Hyattstown.

12 13 14

11

- Vice President Knapp,
- But then I think to do some outreach on both ends would be very helpful. So thank you.

- President Praisner,
- 17 Anything else on planning before we move to parks? If not, rather than go through each
- of these, Marlene has identified some items including the status on Silver Place; and as
- we have indicated, we will be having a PHED Committee conversation since it was part
- of the budget actions of the PHED Committee which the Council accepted that relates
- 21 to the management of the athletic fields and the funding of the management of athletic
- fields that our school athletic fields that the school ball fields that we do need to talk
- 23 about. The Wisconsin Place Community Center, the issue that Marlene raises is of
- course something that I guess thinking through from some of the comments this
- 25 morning on the infrastructure, financing is the ad hoc way in which we approach some
- of these things versus thinking through all of the implications. Point being that we have
- 25 or troop unique volume and the troop unique volume and troop unique
- 27 a -- one might call a private/public partnership. It is referred to as an amenity here, but
- that -- and that's supposed to open in the fall of 2008. Fortunately we have a year. But
- there is no how you bring on board this creature and what you do with it and how you
- fund it and how you manage it, nobody has thought through those pieces. Certainly not
- within the Rec Department's long-range plan that I recall seeing as a PHED Committee
- member. And obviously this is Operating Budget but it has Capital implications. So the
- comment this morning in the infrastructure group related to private-public partnerships
- 34 was that -- I think it was related to that, but it was Mr. Mason's comment about -- that we
- 25 tand to be deign this as an amount with basis without they this live about it may estimate
- tend to be doing this on an opportunity basis rather than thinking about it proactively
- and thinking about implications of a variety of things comprehensively and
- deliberatively. And I would extend that conversation to the issue of either in Master
- Plans suggesting facilities that are private-public partnerships that have implications,
- maybe they don't show up on our Capital Budget but they sure as heck show up at
- 40 some point. And they have staffing and management implications. So I think we need to
- 41 think of these things. That's the only comment I have. I know Mr. Andrews said he had
- some questions and Councilmember Floreen and Vice President Knapp have their
- lights on. So, Phil, I'll go to you first because you make dibs on Parks first.





Councilmember Andrews,

3 Thank you. Actually this is a question from Councilmember Leventhal who had to leave.

4

- 5 President Praisner,
- 6 Yes, he has a class.

7

- 8 Councilmember Andrews,
- 9 And I think it's a good question. And this is for Mary Bradford. And the issue is Rec
- buildings we've read about and heard about the conclusions of the studies that led the 10
- Rec Department to conclude that --. 11

12

- 13 President Praisner,
- 14 No, Parks Department.

15

- 16 Councilmember Andrews,
- Parks Department, sorry, to conclude about Garrett Park and Randolph. 17
- 18 Councilmember Leventhal wants to raise a concern about another building that is next
- 19 to the Wheaten Library that is Park and Planning building that is used by lots of
- 20 community and nonprofits. That's your Metro. And his concern is that Park and Planning
- 21 is looking at the renovation of these buildings too narrowly and wants to encourage the
- 22 Council -- Park and Planning to work with the Council, the County Executive and with
- 23 the business and nonprofit community to find broader ways to maintain these buildings
- 24 and keep them open. And so that is the concern that Councilmember Leventhal wanted
- to put before Ms. Bradford. 25

26

27 President Praisner,

- 28 Well I think on that property and on a variety of issues related to Wheaton, there are
- 29 conversations that are going on. I'm sorry Councilmember Leventhal may not be aware
- 30 of them, but I think we can brief him on the kinds of issues that going on in the Wheaton area.
- 31

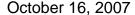
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- 33 Councilmember Andrews,
- 34 Okay. Then I have one question. And that is, your slide show indicates that there are
- 172 fields currently at 71 schools that are maintained by Park and Planning. Can you 35
- 36 describe again what's the -- how are you determining which ones you're maintaining
- 37 and which ones MCPS is maintaining?

38

- 39 Ms. Bradford.
- We maintain all of them. 40

- 42 Unidentified,
- 43 Elementary and middle school.





- 2 Councilmember Andrews,
- 3 All right. Okay.

4

- 5 President Praisner,
- 6 Not the high school.

7

- 8 Ms. Bradford,
- 9 We don't do the high schools except for a couple that where we have sort of shared
- park uses are actually on park sites such as Blair. But Blair High School is a little
- different. All the middle school and all the elementary school fields are our responsibility
- 12 to maintain.

13

- 14 Councilmember Andrews,
- Okay. And then one or two of the high schools you said.

16

- 17 Ms. Bradford,
- And one or two of the high schools because that's a different ownership.

19

- 20 President Praisner,
- 21 But when we did the budget for Park and Planning Commission in the spring, one of the
- issues to get to a level of funding and also the broader issue of this relationship
- between two agencies, the PHED Committee recommended that the Council only fund
- 24 through the contract that -- or the relationship that existed with the school system, which
- is half a year basically. And that before the half-year is over that the Council come back
- and have this conversation with the school system and Parks about the appropriate way
- of either doing the task -- of both doing the task and the funding the task. And that
- conversation is scheduled for a PHED Committee meeting later this month.

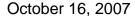
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- 30 Councilmember Andrews,
- 31 And one other question. And that is how has the drought affected the condition of the
- 32 fields? I assume it's fewer -- obviously fewer rainouts, more intensive use, less
- watering. What is the condition of the field?

34

- 35 Ms. Bradford,
- Well it's interesting you talk about that. I mean we can't -- we have been trying to make
- it rain but our dances aren't working, and what we have is a lot of fields that have been
- treated properly. They are perfectly playable except in the drought, as someone was
- actually saying this morning, the grass tends to clump up in tuffs and that makes for an
- 40 uneven playing surface. We have very few fields that are irrigated and a great many
- 41 barriers to getting an artificially -- a lot of artificial turf fields in our most heavily used
- parks. And we're working through that, but without irrigation those fields that are just out
- in the open have been damaged. It has been quite a blow.

90





2 Councilmember Andrews,

3 Thank you.

4

- 5 President Praisner,
- 6 Council Vice President Knapp.

7

- 8 Vice President Knapp,
- 9 Madam President. Just a bunch of quick ones and some I think we'll have some
- answers and some you'll have to get back to me on. First, as I understood it there was
- an acquisition before in South Germantown Recreation for an additional 23 or 25 acres
- at one point. I don't know what the current status of that is, and I just wanted to see if we
- 13 know where it is and what the next steps are.

14

- 15 Ms. Bradford,
- I believe the board is -- if we're talking about the same property, the board has approved acquisition of a parcel -- a large parcel adjacent to South Germantown Recreation Park.

18

- 19 Vice President Knapp,
- 20 And what's the -- what are the next steps for how that plays out or --?

21

- 22 Ms. Bradford,
- We could get you the information about exactly where we are in the process. But we do have approval to purchase that land.

25

- Vice President Knapp,
- 27 Perfect. What's that at the equestrian center. [Inaudible] I need to -- as I think I shared
- with a number of you, there is great concern in the community -- I don't necessarily
- 29 know that people are for or against anything, they are just not sure as what the next
- 30 steps are, and so there is concern because of potential confusion. And so I think it is
- important to have some type of dialogue with the community in the near term. And I
- know there were some actions that were taking place on your side and trying to
- determine when the best time to have that meeting would be. So I just wanted to try and
- follow up and see where --.

35

- 36 Dr. Hanson.
- 37 My office is working both with the city of Poolesville who has asked for something on
- this, and also with communities to see if we can set something up so that we can share
- 39 our uncertainties.

40

- 41 Vice President Knapp,
- 42 Keep me posted if you would, please. I'd appreciate that. And then finally this was an
- issue that had come up year and a half or so ago. And I'm not even -- actually maybe

91



- longer ago than that. We apparently have a number of trails that traverse through the
- 2 AG Reserve but a number of properties that connect those trails that many, I guess
- 3 equestrian users participate, and there was an effort at one point to try and see how
- 4 those trails connect or interconnect. And there had been a presentation at one of these
- 5 previous meetings a couple years ago, and then it kind of went away. And so
- 6 periodically I'll get residents that will ask especially as the equestrian uses that we have
- 7 in our county continue to increase; and so I don't know if that's being something that's
- 8 being actively pursued or -- .

- 10 Ms. Bradford,
- 11 It is. We have -- as you know David Tobin was here earlier and you may have seen him
- in the audience. We hired him on as an equestrian manager. And he's taking a look at
- all of that. He's resurrected the 2004 horse study, looking at that, how we might update
- that. And as you know we have upgraded our trails program to take a look at
- connectivity. With the specific request about equestrian trails -- the connectivity; if you'd
- like I will try to get more in depth answer back to you on that specific topic. But that is
- something I am aware of, and that is something that staff is looking at.

18

- 19 Vice President Knapp,
- 20 Great. And then finally as we have touched on this, but the rec centers and your study
- of them; what are the next steps for your analysis and then recommendations just so we
- can community that back to folks as they have questions now that there has been more
- 23 publicity brought to them or to that process.

24

- 25 Ms. Bradford,
- I invite you and all the members of the public to a town hall meeting that we're holding
- this evening at 7:30 at Brookside Gardens on that topic, October 16; and we are going
- to continue our public outreach on all of these buildings in a variety of communities.
- We've already met with some. But we'll go anywhere, anytime to hear what the
- 30 community has to say. Our study covered the cost of renovation and the condition of the
- buildings and the revenue they were bringing. But all the other factors -- we should get a
- 32 lot out of the public being and learn what's -- what's the appropriate course to take.

33

- 34 Vice President Knapp,
- 35 But is there a goal for an end point in time for you to make a decision or
- recommendation back to the Planning Board?

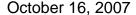
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- 38 Ms. Bradford.
- There was a date originally set up for November, but we're going to push that back for
- 40 as long as it takes to get the information we need to make a good decision.

41

- 42 Vice President Knapp,
- 43 Okay. Thank you very much.

92





12 President Praisner,

Well the PHED Committee was briefed on basically the approach.

4

- 5 Ms. Bradford,
- 6 In July.

7

- 8 President Praisner,
- 9 Before the Planning Commissioners had gotten their briefing I believe. It was about the week before because of our schedule.

11

- 12 Ms. Bradford,
- 13 Right. Actually it got accelerated in the public eye largely because of scheduling.

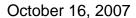
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- 15 President Praisner,
- But part of the problem, I want to interject, is I've been fielding as Council President a variety of complaints and concerns that -- where the community was left with the
- impression that the Council had required this process and -- .

19

- 20 Dr. Hanson,
- 21 That was my understanding.

- 23 President Praisner.
- Well, if we're going to rewrite history -- two can play. But I just think it would be
- important to make sure that whether -- if there is anything from a standpoint of asset
- review and infrastructure, we were looking at that comprehensively and Mike Rilley sent
- in a whole host of buildings that looked -- whole host of meetings as a member of the
- working group on infrastructure that was an assessment of the buildings but an
- 29 assessment of the infrastructure needs, and not a process that directed anyone to
- review its buildings for closure or reuse or anything else. What it was trying to do is do a
- 31 comprehensive cost assessment and to have some consistent structure of approach to
- 32 lifecycle of assets. So I want to make sure since this is my first chance in a public
- Council meeting to set that record straight. The other thing that occurred to me as I've
- done through this process is we have recreation buildings owned by the county
- 35 government under the Department of Recreation that we call community buildings --
- community centers. And we have recreation buildings under the Parks Department of
- Park and Planning Commission that are really community centers. They are not the full
- 38 blown gyms and exercise rooms and everything else. And that is confusing the
- community in a variety of the conversations. I really think at some point we need to look
- 40 just at our vocabulary about whether it's the Rec Department or the Park and Planning:
- and we can always resurrect the study of 1993, I think it was, of whether Recreation and
- 42 Parks -- and that whole issue. But the problem is we have community centers by name





1 that are really rec centers and we have community -- rec centers by name that are really 2 community buildings that are used for a whole variety of things.

3 4

- Ms. Bradford,
- 5 You're absolutely correct, Madam President. And if you'll look on page 106 of the
- 6 Semiannual Report you'll notice that we call it Park Activity Centers just for clarification
- 7 because we think that is misleading. I understand that in the dim memory of time --

8

9

- 10 President Praisner,
- 11 Dim to me too.

12

- 13 Ms. Bradford.
- They were called park cabins at one point many of them, and that is more descriptive in 14 15 some ways. But it is true the nomenclature is a problem.

16

- 17 President Praisner,
- 18 Councilmember Floreen.

19

21

22

23 24

25

26

27

- 20 Councilmember Floreen,
 - Well not to leave the subject; I think, at least based on my experience -- and thank you for coming out and meeting with the park folks. I think what some of the community excitement over this results from is in our effort to plow ahead and be comprehensive, I don't think we can find a one-size-fits-all -- use even a one-size-fits-all approach to addressing these issues, because there are a whole range of concerns or at least community needs that need to be recognized in all of this. And I think the challenge that your staff is facing is that they've done what they've been asked to do, but it did involve looking at the wider picture. And so I don't -- great that you're doing a town hall thing,

28 29 but I do think we're going to need to get -- you're going to need to get into this on a site-

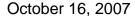
30 by-site approach.

31 32

Ms. Bradford,

33 Yes, absolutely.

- 35 Councilmember Floreen,
- 36 Because at least the little places that aren't generating income -- I don't know that -- that
- 37 we're going to expect that of them, but they serve a function to the community that's
- very important and one that needs to be thought about very carefully. And I think 38
- 39 because the community has only been engaged in the first part of thinking about it and
- 40 having seen the range of potential solutions that might come along, apart from what is it,
- a transfer demolish, they are understandably concerned. And so I think that we -- it is 41
- 42 incumbent upon us as the stewards of these facilities everywhere in the county. I'm not





sure that there is one name that can work for all of these and maybe there is a way to look at the ownership.

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- 4 Mr. Hanson,
- 5 There is clearly not one solution for these, and one of the problems that I think both of
- 6 our organizations have to confront on this is that there are some buildings that a
- 7 decision may have to be made as to whether to expend a substantial amount of money
- 8 to restore them to good, safe, usable space or to replace them, or to find a substitute for
- 9 them; or as we said in some cases, maybe they should be transferred to another
- agency and renovated. But all of those are potential possibilities.

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- 12 Councilmember Floreen,
- 13 And I think -- I'm just very concerned by some of the tenor of the community anxiety and
- some of the reporting that's occurred that suggests that decisions have been made -- or
- that these might be the only two or three options that might be available. Because some
- of them really might work for other facilities, but especially when you're dealing with a
- small community -- small they really are park activity centers or something of that sort. I
- just think we have to be very careful about appearing to look at a global solution that --
- 19 to perhaps even a problem that doesn't exist.

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- 21 President Praisner,
- Well the conditions of the buildings do exist, Nancy.

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- 24 Councilmember Floreen.
- Well right, but Mrs. Praisner, if we were to go up and look at all of our homes, I bet none
- of them would meet code today. And that's the way it is because the rules change all
- the time.

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- 29 President Praisner,
- 30 But the public [inaudible].

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- 32 Councilmember Floreen
- 33 Speaking to myself alone and.

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- 35 President Praisner,
- That may be true [inaudible].

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- 38 Councilmember Floreen.
- 39 If I could just finish, I think this is what I think we need to be careful about. It is good to
- 40 have baseline data, but there is concern that some cases decisions have already been
- 41 made apparently and other cases there might be community confusion about that.

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43 Dr. Hanson,

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October 16, 2007

There is another aspect of this too. And to some degree matters of this sort are often a victim of another good thing which is transparency.

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- Councilmember Floreen,
- 5 Yeah.

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7 Dr. Hanson,

And so when a -- I think it -- I think the incident that we're all talking about here is a reaction to the report emphasizes to us the way in which we receive these reports in many cases, and studies, and how we classify the action or inaction that's being taken at a particular time. We do need to get this kind of information.

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Councilmember Floreen,

Well not everything is ready for prime time -- as we start thinking. And so I urge you to give a lot of attention, especially tonight if you're having a town meeting, to the make a point that there are a myriad of concerns out there to be evaluated, and that I would hope that you can say comfortably there is not going to be a one-size-fits-all program to address the future of these facilities.

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Ms. Bradford,

And it is quite true that decisions have not been made on any of these buildings. These are simply the study recommendations and phrasing that how you express that, even whether you talk about that before you've had the public meeting is all a lesson I think we have all learned about how to deal with this in the public's view.

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Councilmember Floreen,

And the other thing that I've heard -- I've seen made part of the conversation, and I think we might want to pull back from it a little bit, is the revenue generation element of these facilities. It is a piece of information, surely. But I'm not sure that should be a driver or put up at the top of the list in terms of governmental or community-based priorities as we look at these facilities. There not -- it's not irrelevant, but it may not drive -- and I don't think it necessarily should drive the decision-making process in all this. Obviously we'll talk with you about this far later down the road, but I think as you're meeting with the community members on these issues now, I would hope you -- that point becomes part of the conversation.

35 36 37

President Praisner,

- Well, it started with an assessment of the conditions of the buildings. It also then
- followed with an assessment of the use of those buildings at this point, and a question
- 40 of how much funds would be necessary to bring those buildings up to a standard that I
- 41 would assume we would expect from a standpoint of leaking roofs and mold and a
- whole host of other issues of the conditions of the exterior and interior of the buildings.
- 43 And that's the first assessment I think a piece of that then factored in how much revenue



1 or what the situation is, because they are out for lease. What I didn't see I think as I 2 recall back is the availability of alternatives for the community, because in some cases -3 - I know some folks who have raised concern where there are options nearby that may or may not be maximized in its out utilization either. And I do think my house is dirty or 4 5 meets code or not, I don't have the same public standard requirement for safety and condition that a public building should have whether it is a county government building --6 7 that's part of the infrastructure that we started talking about; and what the maintenance 8 requirements are for existing infrastructure across government buildings; and what we 9 were told is that Park and Planning did not have a good database on everything that it owned. Whether it is parks, trails -- and we haven't talked about trails, and the condition 10 of those trails, as well as the small buildings that may exist, some of which you were 11 12 given let alone built or acquired. So those are the issues that we need to grapple with as 13 a community. There is nothing more emotional than the potential of losing the status 14 quo, whatever it may be, whether it is trees being taken down or a building being not 15 available; but we all have to look at all of those pieces. I think the point Councilmember Floreen makes that I think needs to continue to be stressed is that no decisions have 16 been made, and that people will be engaged and involved in the process. But, you 17 18 know, every time we change something that exists or consider changing something, 19 folks react in a way that raises questions about both the approach, the validity, and the 20 tampering with what is the current situation. So we'll have plenty of conversation about 21 that at some point. Allison, did you want to make a final comment?

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Mr. Bryant,

Yes, please, Madam President. And this is something I was going to introduce to my colleagues at a later date, but it deals with this, and you might just shoot it down now and I won't waste my time. But there are other options. And among the options that I've been exploring privately with nonprofits in particular, and of course there's a risk associating, and that's why the County Council has to give it serious consideration, is the idea that there are in fact nonprofits who will be eager to take over some of these buildings -- underwrite the cost of refurbishing them and/or fundraising to get them refurbish, and allow continued use for the dominant community groups that are using them with the idea in mind that they will also get the opportunity to utilize them.

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President Praisner.

Well I think that is part of what -- is we heard might be looked at as some of these options. The only comment I would make is that we have any number of closed schools where individuals have taken over the management of them and then they turn around and come to us for the funding of it.

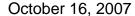
38 39

40 Mr. Bryant,

41 Well that's the risk.

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President Praisner,





Thank you all very much for I think a very healthy and positive give-and-take in conversation. I want to make one comment about Park and Planning staff because what we have heard and discussed today, Parks and Planning folks, is that you all are carrying a tremendous workload and generating very significant and positive progress on a variety of issues. And I know from the Council perspective and our Council staff perspective that we continue this progress of saying something else or that we have other things that get put on our plate whether we ask for it or not, that seems to be the challenge these days from special sessions to other issues; I do, Rose, the comments about the backlog and the turnaround are very important. Parks Department and hiring and the progress, Gwen, at looking at a variety of things including modifying the Master Plan; and bringing us these challenges so that we can think about them and get back to you and talk with you; and the commissioners themselves for the workload of additional meetings, which obviously has an impact on the staff as well. I want to say on behalf of the council that we very much appreciate everything that you all are doing and we are adjourned.

Councilmember Floreen,

Thank you for your good humor and hard work.